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ABSTRACT

This document presents the 1989 Annual Statistical Report on the three major Program Activities of the National Association of Protection and Advocacy Systems, a federally funded agency designed to directly impact the delivery of state social, medical, and legal services to persons with disabilities. Data on the three programs--The Client Assistance Program (CAP), the Protection and Advocacy System for Persons with Developmental Disabilities (PADD), and Protection and Advocacy for Mentally Ill Individuals (PAMII)--are presented as state by state totals with graphics that display total clients served for the past 3 years. Program narrative analyses provide a broad overview of activities undertaken nation-wide. Conclusions include the following: services have increased in the PADD (13%) and PAMII (19%) programs whereas the CAP program experienced a 6% drop in services; PADD services appear to be increasing in institutions; case problem areas have increased in the areas of offenders, housing, and guardianship issues; PAMII has experienced marked increases in cases involving private psychiatric hospitals. Other changes are reported in the areas of establishing priorities, accountability and oversight, access, and federal administrative rulings. Also included is a statement of principles for the association and a list of CAP state offices and state protection and advocacy agencies. (DB)

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NATIONAL ASSOCIATION OF PROTECTION & ADVOCACY SYSTEMS

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Client Assistance Program

Protection & Advocacy System for Persons with Developmental Disabilities

Protection & Advocacy System for Mentally Ill Individuals

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APRIL, 1990



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Curtis L. Decker, J.D.

Dear Colleagues:

It is with pleasure that I introduce the 1989 Annual Statistical Report on Program Activities. This report represents a comprehensive format for understanding activities undertaken to protect the civil and human rights of persons with mental and physical disabilities in the United States.

As state systems designed pursuant to federal statutes, the Protection and Advocacy Systems and Client Assistance Programs are at a unique point in the history of the American civil rights movement. These small agencies located in every state and U.S. territory and the District of Columbia confront, on a daily basis, the worst of society's prejudices and bias regarding persons with mental and physical disabilities. Our mission, as mandated by the U.S. Congress, is unique in that we are one of the few federally funded advocacy and legal service programs at the state and local level designed to directly impact the delivery of state social, medical and legal services provided to persons with disability characteristics.

We are witness to increasing reports and documented incidents of abuse and neglect, discrimination and unacceptable conditions and practices in public and private facilities and services. The Protection and Advocacy Systems and Client Assistance Programs see all too clearly the ever widening chasm between the programs and services which our affluent American society could afford all of its citizens, and the programs and services actually provided. We have yet-as a society-created and funded a service delivery system which affirms the value of all citizens. Until that happens, our advocacy efforts will be important.

1989 was a busy year for our agencies. Much was accomplished and yet, much remains to be done. NAPAS looks forward to more advances in the cause of civil rights for all persons. We recognize that broad-based advocacy efforts are called for to achieve the kind of society in which we all want to live. I invite you to read this report and learn about the work of our member agencies. Also, we invite your comments and suggestions on presentation and content as we are always looking for ways to improve this report in order to better document the urgent needs of our community.

Elizabeth Bauer, NAPAS President
Executive Director, Michigan Protection & Advocacy Service, Inc.

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National Association of Protection & Advocacy Systems
1989 Annual Statistical Report on State Program Activities

Introduction

The NAPAS 1989 Annual Statistical Report on State Program Activities summarizes activities of the Protection & Advocacy Systems for persons with developmental disabilities (PADD) and mental illness (PAMII), and the Client Assistance Program (CAP), for fiscal year 1989. The statistical and narrative analysis sections of this report are derived from 56 states and territories reporting P&A and CAP data as required by the federal administering agencies.

Previous NAPAS Annual Reports attempted to account for categories of information that were unreported by individual state agencies, and thus to explain missing information or incorrect totals. This year, the state by state statistical totals on clients served does not include an unreported category, except where "unreported" specifically appears in the federal program performance report (PPR) format. Accordingly, there may be discrepancies between total number of clients served and the breakdown of clients served by demographics, case problem area, or remedies. NAPAS includes in this report, statistics as they were reported by state agencies to the federal government.

This report is divided by the two P&A programs and the CAP program, and includes graphic exhibits and state statistics in each section. Also included is a narrative analysis of state activities by issue area, as derived from the narrative reports submitted by each state with their statistics.

Client Assistance Program

The Client Assistance Program (CAP) was originally established as a discretionary program by Section 112 of the Rehabilitation Act of 1973 (Public Law 93-112). The establishment of CAP reflected the Congressional belief that persons with disabilities require assistance in obtaining information and access to the array of services available through programs, projects, and facilities funded under the Rehabilitation Act.

The 1984 amendments to the Rehabilitation Act (Public Law 98-221) changed CAP from a discretionary program to a mandatory formula grant program and mandated a CAP in every state and U.S. territory as a condition for receiving any payments from its allotment under the Act. The Governors were given the responsibility of designating an agency to implement the CAP in each state and territory. The central mission of CAP is to provide information and assistance to individuals seeking and receiving services under the Rehabilitation Act, including assisting in pursuing administrative, legal and other appropriate remedies to ensure the protection of rights.

When the designation process was completed in 1984, approximately half of the Governors designated CAPs to P&A agencies. In one third of the states, the Governors designated the VR agency to operate CAP. The remaining CAPs were designated to a variety of non-profit agencies, except in Alaska where the Governor designated a for-profit corporation. The administering agency for the Client Assistance Program is the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration.

P&A for Persons with Developmental Disabilities

This program was originally established by the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (Public Law 94-103), which mandated that each state and territory establish a protection and advocacy system by October 1, 1977 as a condition for receiving its Basic State Grant allotment under the Act. Agencies established to provide these advocacy services had to have the ability to pursue legal, administrative, and other appropriate remedies to protect the rights of individuals with developmental disabilities under federal and state statutes. The Governor in each state must designate a program to serve as the P&A System, and must assure that the System is independent of any service provider. The most recent reauthorization of the DD Act (Public Law 100-146) extended the program until September 30, 1990. The 1988 Congressional appropriation for PADD nationwide was \$19.148 million.

Developmental disabilities are defined by the federal government as chronic and attributable to mental and/or physical impairments which are evident prior to age twenty-two. These disabilities tend to be life-long and result in substantial limitations in three or more of the following major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, the capacity for independent living, and/or economic self-sufficiency. The federal administering agency for the PADD is the U.S. Department of Health and Human Services, Administration on Developmental Disabilities.

P&A for Mentally Ill Individuals

Modeled after PADD, the Protection & Advocacy for Mentally Ill (PAMII) Individuals Act of 1986 (Public Law 99-319) was passed in May of that year and reauthorized in October of 1988 (Public Law 99-509). The system was established to protect the rights of persons with mental illness under federal and state statutes, and to investigate allegations of abuse and neglect of persons residing in facilities. The Systems must be designated to agencies housing PADD programs in each state and U.S. territory.

Individuals eligible for services under the PAMII Act must reside in facilities which provide 24 hour care and treatment, or have been discharged from such a facility within the past 90 days. Under the 1988 amendments, PAMII programs were given the authority to represent clients in certain situations involving prisons and jails, and transportation to and from facilities. Congressional appropriation for FY 1988 was \$10.5 million. The administering agency for PAMII is the U.S. Department of Health and Human Services, National Institute of Mental Health.

P&A and CAP Mission

P&A and CAP staff consist of attorneys, social workers, and other advocates who are capable of providing a full range of advocacy services including the ability to pursue legal, administrative and other appropriate remedies to protect the rights of individuals with disabilities. The P&A programs must be independent of any service provider to assure conflict-free advocacy services. The Governor of each state designates the agency to fulfill the P&A and CAP mandate and cannot redesignate the program without good cause.

As appropriate, P&A and CAP activities include: (1) investigating, negotiating or mediating solutions to problems expressed by persons with developmental disabilities, persons with mental illness or applicants/clients of programs funded under the Rehabilitation Act, their families or agency representatives; (2) providing technical assistance to attorneys, governmental agencies and service providers; (3) providing legal counsel and litigation services to persons in this population and groups who are unable to attain adequate or appropriate legal services in their communities; and (4) training advocates, consumers, volunteers, professionals, and other parties.

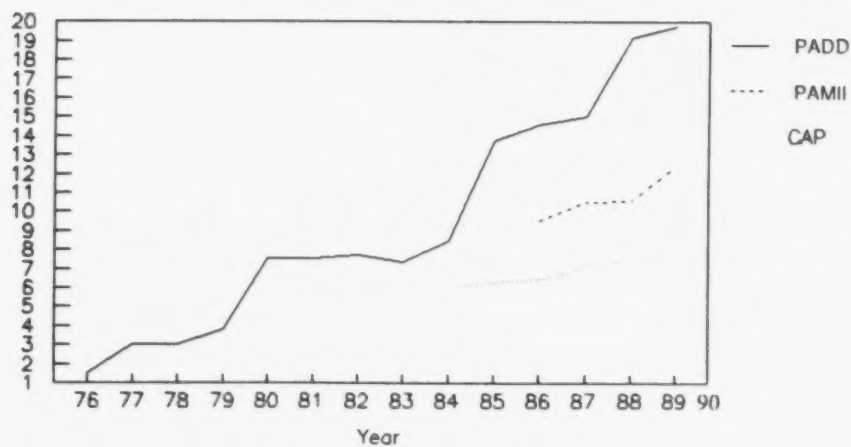
P&A systems work with institutions, including residential care providers, public and private hospitals for person with mental illness or mental retardation, public schools and state correctional facilities in addition to a host of other service providers and governmental offices. The P&A system also provides advice and technical assistance to attorneys on such issues as disability and mental health law as well as providing assistance to various boards, commissions and government officials. The CAP program works with state departments of vocational rehabilitation and other agencies which receive funds under the Rehabilitation Act.

P&A and CAP Programs

*U.S. Congressional Appropriations 1976-90
in millions*

	<u>PADD</u>	<u>CAP</u>	<u>PAMII</u>
1976	1.5		
1977	3.0		
1978	3.0		
1979	3.8		
1980	7.5		
1981	7.5		
1982	7.68		
1983	7.32		
1984	8.4	6.0	
1985	13.75	6.3	
1986	14.6	6.412	9.5
1987	15.0	7.5	10.5
1988	19.148	7.1	10.555
1989	19.76	7.682	12.4
1990	20.84	7.901	14.001

P&A and CAP Programs
U.S. Congressional Appropriations 1976-1990



Executive Summary

Curtis L. Barber, J.D.
Executive Director

The NAPAS Annual Report for fiscal year FY 1989 again breaks new ground in reporting statistical information on the three legal and advocacy programs sponsored by the Association. State by state totals with graphics that display most clients served for the past three years, are followed by program narrative analyses which attempt to provide a broad overview of activities undertaken nation-wide. The narrative analyses have been revised this year to give a broad overview of program activities by issue areas and programs.

Overall, services have increased in FY 1989 in the PADD and PAMH programs. Nationwide, PADD increased 13 percent, and PAMH services increased by 20 percent over FY 1988. This is compared with increases in appropriations of \$1.2 million for PADD, and \$2 million for PAMH. The CAP program experienced a slight decrease in cases served, as it received only a minimal increase in appropriations. CAP agencies nationwide, however, did report a substantial increase in information and referral services, demonstrating that CAP visibility continues to be high.

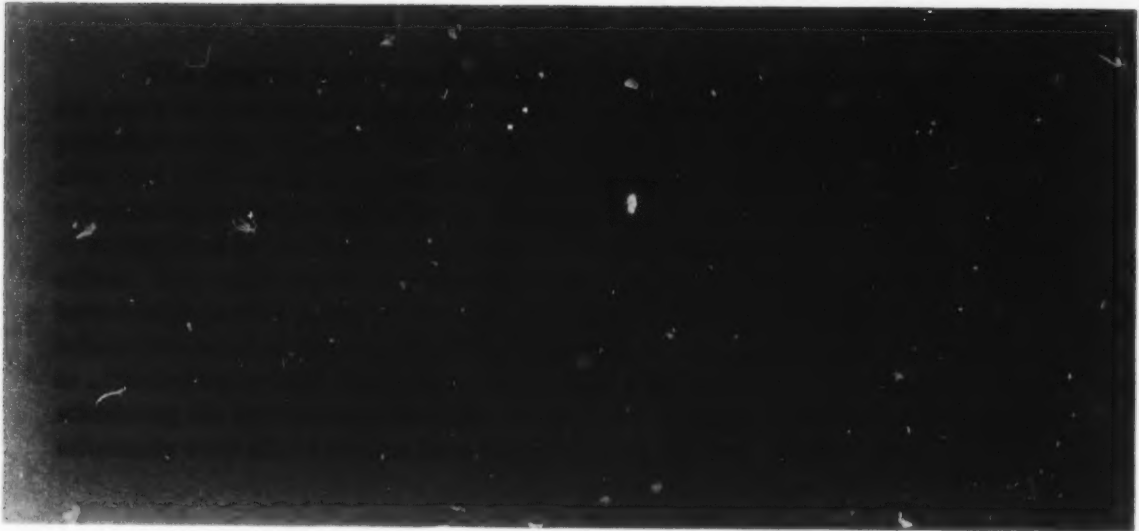
Several trends emerge from the statistics as reported here. For instance, PADD services appear to be increasing in institutions. Case problems were more prevalent in the areas of offenders, housing and guardianship issues. For the PAMH program, there has been a marked increase in cases involving private psychiatric hospitals, with nearly 4,000 additional cases over FY 1988.

PAMH is the only program required to give ethnic data on clients served. Approximately 17 percent of clients were Black, Hispanic, Pacific Islander, Native American. This represents a slight increase over last year, and PAMH programs have been striving to improve services to persons of color through a variety of activities and training.

Establishing Priorities

In the 1987 amendments to the Developmental Disabilities and Bill of Rights Act, required community input to the priorities of the PDDA is required. This language was subsequently adopted in the amendments to the Developmental Disability System for Mentally Ill Individuals Amendments Act of 1988. In FY 1989, all three programs set priorities in a variety of different forums. Most conducted national and regional hearings to receive input. Others utilized questionnaires, phone interviews, client satisfaction surveys, invitations to submit written comments and letters, a commitment to evaluate responses. One agency purchased equipment that could provide simultaneous translation in Spanish to ensure participation by minorities. One agency coordinated with the DD Council to conduct regional forums. At least one state considered the needs of the grounds of institutions for persons with mental retardation in order to allow that population to have an opportunity to be heard.





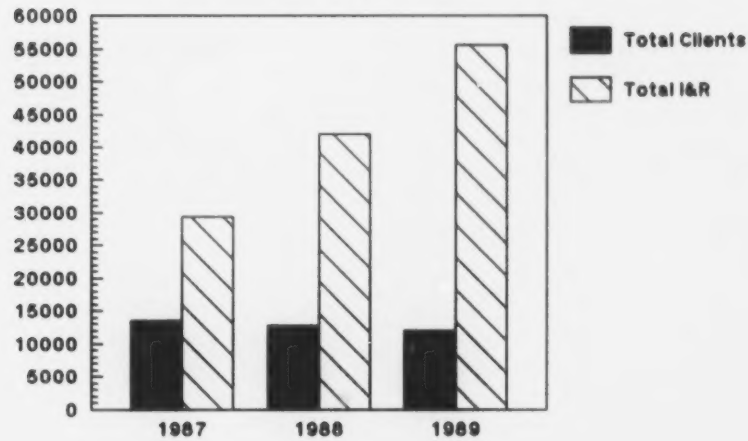
CLIENT ASSISTANCE PROGRAM (CAP) REPORT

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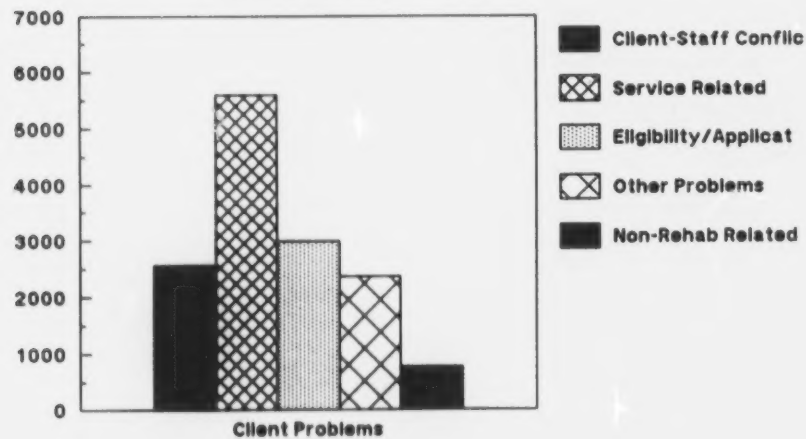
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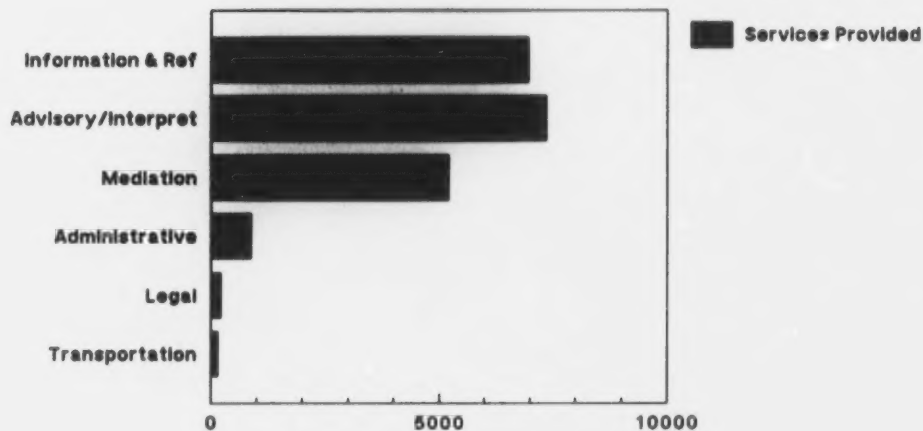
CAP Clients Served 1987-1989



CAP - 1989
Problem Areas in U.S.



CAP - 1989
Type of Service Provided in U.S.



Note: This chart reflects duplicated service totals.
One client may receive more than one type of service.

Client Assistance Program (CAP) 1989 Program Performance Report

Agency Workload Data

	<u>Public</u>	<u>Priv.</u>	<u>I&R</u>	<u>Total Cases</u>
Alabama	Y		382	46
Alaska		Y	601	46
American Samoa			141	63
Arizona		Y	47	42
Arkansas		Y	605	74
California	Y		6314	1087
Colorado		Y	15416	60
Connecticut	Y		0	225
Delaware		Y	65	162
District of Columbia	Y		365	80
Florida		Y	547	632
Georgia	Y		908	113
Guam		Y	210	39
Hawaii		Y	562	119
Idaho		Y	0	134
Illinois	Y		2262	400
Indiana	Y		268	134
Iowa	Y		325	95
Kansas	Y		591	326
Kentucky	Y		120	159
Louisiana		Y	612	259
Maine		Y	114	310
Maryland	Y		147	219
Massachusetts	Y		4035	493
Michigan	Y		2164	555
Minnesota		Y	618	382
Mississippi		Y	1704	69
Missouri		Y	54	276
Montana		Y	2000	42
Nebraska	Y		1983	111
Nevada	Y		331	176
New Hampshire	Y		271	107
New Jersey	Y		1144	206
New Mexico		Y	165	97
New York	Y		1856	1064
North Carolina	Y		516	179
North Dakota			290	106
Northern Mariana Islands		Y	30	25
Ohio	Y		1000	171
Oklahoma	Y		669	80
Oregon	Y		180	66
Pennsylvania	Y		238	417
Puerto Rico	Y		526	59
Rhode Island	Y		412	338
South Carolina		Y	45	81
South Dakota		Y	563	75
Tennessee		Y	258	52
Texas		Y	946	213
Utah		Y	486	210
Vermont		Y	947	259
Virgin Islands		Y	185	58
Virginia	Y		228	152
Washington	Y		602	756
West Virginia		Y	78	31
Wisconsin	Y		332	177
Wyoming		Y	50	51
Total			<u>55508</u>	<u>11958</u>

Client Assistance Program (CAP) 1989 Program Performance Report

Types of Individuals Served

	Applicants of VR	Clients of VR	Appl/Client ILPs	Appl/Client Special Prois	Facilities
Alabama	0	46	0	0	0
Alaska	10	34	2	0	0
American Samoa	0	36	3	0	24
Arizona	19	21	0	2	0
Arkansas	17	57	0	0	0
California	289	557	3	1	7
Colorado	22	36	1	1	0
Connecticut	68	150	3	3	1
Delaware	43	70	8	3	38
District of Columbia	9	69	2	0	0
Florida	364	267	0	0	1
Georgia	46	67	0	0	0
Guam	6	6	5	1	13
Hawaii	91	26	0	1	1
Idaho	29	63	2	2	0
Illinois	185	212	2	1	0
Indiana	38	96	0	0	0
Iowa	33	62	0	0	0
Kansas	87	204	7	9	19
Kentucky	73	76	10	0	0
Louisiana	63	186	7	1	1
Maine	67	111	27	15	9
Maryland	110	109	0	0	0
Massachusetts	151	288	41	1	9
Michigan	239	287	14	8	7
Minnesota	191	186	0	5	0
Mississippi	19	48	2	0	0
Missouri	173	102	1	0	0
Montana	10	25	3	0	4
Nebraska	30	79	0	2	0
Nevada	98	61	9	0	8
New Hampshire	17	54	1	0	1
New Jersey	60	146	0	0	0
New Mexico	45	52	0	0	0
New York	626	413	2	3	20
North Carolina	71	100	8	0	0
North Dakota	56	50	0	0	0
Northern Mariana Islands	17	8	0	0	0
Ohio	47	122	1	1	0
Oklahoma	31	49	0	0	0
Oregon	26	40	0	0	0
Pennsylvania	72	345	0	0	0
Puerto Rico	1	58	0	0	0
Rhode Island	211	121	6	0	0
South Carolina	24	57	0	0	0
South Dakota	21	43	7	2	2
Tennessee	19	29	1	2	1
Texas	88	122	3	0	0
Utah	77	104	27	2	0
Vermont	37	206	14	0	2
Virgin Islands	12	33	2	6	5
Virginia	8	91	6	0	1
Washington	101	652	2	1	0
West Virginia	9	22	0	0	0
Wisconsin	41	133	3	0	0
Wyoming	24	27	0	0	0
Total	4321	6714	235	73	174

Client Assistance Program (CAP) 1989 Program Performance Report

Problem Areas

	Client Staff Conflict	Service Related	Client Eligibility Application	Other Probs	Non-Rehab Act Related
Alabama	2	15	16	13	0
Alaska	26	39	19	5	0
American Samoa	63	1	4	2	3
Arizona	15	16	18	1	0
Arkansas	0	0	0	0	0
California	104	469	229	141	121
Colorado	4	27	20	8	1
Connecticut	42	147	10	86	0
Delaware	17	37	20	34	54
District of Columbia	52	69	11	18	12
Florida	183	83	217	36	51
Georgia	40	84	16	18	1
Guam	3	12	9	36	12
Hawaii	10	21	85	0	3
Idaho	21	45	16	25	0
Illinois	72	187	58	69	16
Indiana	98	23	19	9	0
Iowa	11	41	23	31	10
Kansas	110	200	95	287	85
Kentucky	24	78	53	26	0
Louisiana	12	149	75	17	6
Maine	16	125	41	19	109
Maryland	16	156	42	0	5
Massachusetts	86	306	138	36	38
Michigan	53	289	106	58	52
Minnesota	148	187	150	117	0
Mississippi	69	50	14	5	0
Missouri	0	77	68	113	18
Montana	21	20	2	1	0
Nebraska	12	44	28	27	0
Nevada	19	54	55	38	10
New Hampshire	2	49	14	6	2
New Jersey	42	113	50	1	0
New Mexico	15	63	48	0	18
New York	138	577	239	292	23
North Carolina	23	147	25	20	0
North Dakota	1	55	50	0	0
Northern Mariana Islands	2	23	0	0	0
Ohio	60	86	22	6	0
Oklahoma	36	51	34	9	1
Oregon	16	27	22	2	0
Pennsylvania	127	353	84	7	7
Puerto Rico	9	37	13	0	0
Rhode Island	223	24	233	70	1
South Carolina	19	49	12	1	0
South Dakota	13	32	19	7	4
Tennessee	5	31	17	7	0
Texas	146	131	142	6	26
Utah	20	119	84	5	0
Vermont	73	119	13	47	17
Virgin Islands	2	12	9	37	11
Virginia	35	72	15	8	4
Washington	105	226	126	531	27
West Virginia	15	13	6	12	0
Wisconsin	39	86	35	10	7
Wyoming	38	39	20	3	0
Total	2553	5585	2989	2363	755

Client Assistance Program (CAP) 1989 Program Performance Report

Major Disabling Condition

	Blind Both Eyes	Other Visual	Deaf- ness	Hard of Hearing	Orthopedic Impairments
Alabama	10	0	2	0	8
Alaska	3	7	0	0	9
American Samoa	4	1	2	19	8
Arizona	0	4	0	2	9
Arkansas	0	0	0	0	0
California	51	28	16	17	280
Colorado	6	1	1	0	1
Connecticut	16	5	4	6	67
Delaware	5	3	20	3	48
District of Columbia	5	1	3	0	7
Florida	21	26	24	20	220
Georgia	12	4	4	3	48
Guam	1	0	11	0	1
Hawaii	1	0	2	2	23
Idaho	10	4	4	6	38
Illinois	61	18	16	7	96
Indiana	7	6	1	3	24
Iowa	3	3	2	1	25
Kansas	67	20	9	1	93
Kentucky	12	12	8	2	39
Louisiana	8	16	5	9	66
Maine	7	9	16	5	92
Maryland	10	2	49	14	53
Massachusetts	37	8	18	9	75
Michigan	152	7	10	14	99
Minnesota	15	11	7	4	57
Mississippi	10	29	2	1	2
Missouri	26	3	7	11	58
Montana	0	0	1	2	7
Nebraska	4	2	3	0	31
Nevada	11	6	10	4	61
New Hampshire	6	0	4	2	15
New Jersey	25	20	4	0	37
New Mexico	3	0	4	3	24
New York	138	11	39	20	326
North Carolina	4	4	7	0	69
North Dakota	0	5	0	4	34
Northern Mariana Islands	1	1	2	6	8
Ohio	4	20	9	1	57
Oklahoma	3	3	0	1	26
Oregon	1	0	7	3	24
Pennsylvania	24	19	9	16	127
Puerto Rico	7	1	1	3	20
Rhode Island	11	22	4	15	117
South Carolina	4	4	0	2	19
South Dakota	0	2	1	1	9
Tennessee	2	6	4	0	13
Texas	17	8	27	5	46
Utah	6	9	5	5	33
Vermont	2	5	4	5	73
Virgin Islands	1	6	5	1	5
Virginia	1	8	0	7	38
Washington	34	26	17	12	177
West Virginia	3	2	0	0	11
Wisconsin	9	2	11	4	62
Wyoming	3	0	1	1	26
Total	<u>884</u>	<u>420</u>	<u>422</u>	<u>282</u>	<u>3041</u>

Client Assistance Program (CAP) 1989 Program Performance Report

Major Disabling Condition (Continued)

	Absence Extremities	MI	Substance Abuse	MR	Specific LDs	Neurologic Disorders	Respiratory Disorders
Alabama	1	4	0	3	2	2	0
Alaska	1	14	2	2	1	6	0
American Samoa	1	2	19	8	1	2	1
Arizona	0	5	1	3	2	4	0
Arkansas	0	0	0	0	0	0	0
California	15	132	37	6	35	97	15
Colorado	0	9	1	7	4	3	0
Connecticut	2	31	6	6	42	14	2
Delaware	5	34	2	29	4	1	1
District of Columbia	2	25	5	20	5	1	0
Florida	13	116	38	9	22	46	9
Georgia	0	12	1	11	1	5	2
Guam	1	0	0	12	0	5	1
Hawaii	1	43	14	6	0	2	2
Idaho	2	12	4	10	7	13	1
Illinois	9	47	6	22	24	7	2
Indiana	3	16	7	7	0	26	1
Iowa	3	12	7	4	2	3	2
Kansas	6	10	17	20	2	42	0
Kentucky	0	37	7	6	8	13	0
Louisiana	3	39	19	16	10	23	0
Maine	1	46	2	22	14	32	6
Maryland	3	31	8	4	10	3	1
Massachusetts	12	61	34	17	12	28	4
Michigan	3	94	33	9	26	30	1
Minnesota	4	130	15	35	24	7	4
Mississippi	0	5	2	2	0	7	2
Missouri	4	40	9	16	21	26	1
Montana	1	6	2	1	3	0	0
Nebraska	1	26	8	4	12	9	0
Nevada	2	36	6	3	3	7	3
New Hampshire	1	10	3	8	2	13	2
New Jersey	0	26	50	18	11	8	2
New Mexico	1	12	7	10	7	12	1
New York	11	126	17	19	69	112	7
North Carolina	1	35	10	1	2	13	2
North Dakota	0	15	8	9	7	14	1
Northern Mariana Islands	0	1	0	3	0	0	0
Ohio	6	22	2	5	14	10	3
Oklahoma	2	8	3	13	2	2	1
Oregon	2	12	3	1	2	5	0
Pennsylvania	2	72	19	10	49	38	6
Puerto Rico	0	10	0	1	1	5	0
Rhode Island	7	63	19	11	22	10	6
South Carolina	1	14	3	3	6	6	0
South Dakota	1	8	6	7	6	7	3
Tennessee	2	8	0	2	4	6	0
Texas	2	25	3	14	17	31	1
Utah	0	28	5	17	14	51	1
Vermont	7	31	6	7	11	53	1
Virgin Islands	0	7	3	6	4	3	0
Virginia	0	18	2	5	13	5	0
Washington	3	174	70	43	39	35	10
West Virginia	0	2	1	5	1	5	0
Wisconsin	4	34	11	2	10	2	0
Wyoming	0	7	2	5	0	2	0
Total	152	1843	565	545	610	912	108

Client Assistance Program (CAP) 1989 Program Performance Report

Major Disabling Condition (Continued)

	Heart & Digestive Other Cir	Disorder	Genitourinary Condition	Speech Impair	All Other Disabilities	Disability Not Known	Brain Injured
Alabama	0	0	0	0	4	10	0
Alaska	0	0	0	0	1	0	1
American Samoa	0	0	4	2	2	0	0
Arizona	2	1	1	0	2	5	1
Arkansas	0	0	0	0	0	0	0
California	24	3	4	5	82	10	31
Colorado	0	0	0	1	20	1	5
Connecticut	0	2	0	0	4	18	12
Delaware	2	0	0	0	4	0	1
District of Columbia	0	0	0	3	3	0	0
Florida	20	21	5	6	15	2	28
Georgia	1	1	2	0	5	1	0
Guam	1	0	0	1	4	4	0
Hawaii	1	0	0	2	20	0	0
Idaho	1	1	0	2	12	3	4
Illinois	4	4	1	2	45	29	6
Indiana	1	2	1	0	29	0	11
Iowa	1	3	1	0	23	0	9
Kansas	3	0	1	0	1	3	7
Kentucky	6	1	3	2	3	0	15
Louisiana	3	0	1	6	34	1	24
Maine	6	0	1	0	36	15	4
Maryland	5	0	0	0	19	7	2
Massachusetts	2	2	33	61	50	30	22
Michigan	6	0	0	3	36	32	28
Minnesota	2	0	0	0	64	3	5
Mississippi	0	1	0	0	5	1	2
Missouri	6	2	1	2	26	17	5
Montana	1	0	0	1	10	0	7
Nebraska	0	1	0	1	9	0	3
Nevada	7	5	2	1	0	9	4
New Hampshire	2	1	0	0	4	0	4
New Jersey	2	1	0	0	2	0	0
New Mexico	2	0	0	2	8	1	5
New York	14	4	0	5	97	33	16
North Carolina	6	10	2	0	7	6	4
North Dakota	3	3	0	0	3	0	0
Northern Mariana Islands	0	0	0	2	1	0	0
Ohio	1	1	1	2	12	1	5
Oklahoma	0	0	0	0	16	0	3
Oregon	0	0	1	0	5	2	0
Pennsylvania	7	2	2	3	11	1	12
Puerto Rico	1	0	0	0	5	4	0
Rhode Island	7	0	3	1	18	2	7
South Carolina	2	0	4	3	10	0	4
South Dakota	1	2	0	0	8	1	12
Tennessee	0	0	0	0	5	0	11
Texas	2	3	1	1	10	0	18
Utah	3	2	0	4	17	1	3
Vermont	3	0	0	0	33	4	14
Virgin Islands	3	1	0	4	8	2	1
Virginia	1	2	0	0	3	0	3
Washington	25	0	0	0	30	35	26
West Virginia	0	0	0	0	1	0	2
Wisconsin	2	0	1	0	12	10	0
Wyoming	0	1	0	0	1	1	1
Total	192	83	76	128	895	305	388

Client Assistance Program (CAP) 1989 Program Performance Report

Types of Services Provided

	Informational Referral	Advisory Interpretational	Mediation	Admin	Legal	Trans
Alabama	1	36	8	1	0	0
Alaska	43	46	37	21	0	0
American Samoa	63	8	20	0	16	19
Arizona	26	31	37	0	0	0
Arkansas	0	0	0	0	0	0
California	508	570	314	89	7	0
Colorado	60	60	60	7	7	1
Connecticut	122	134	87	27	5	1
Delaware	55	71	35	1	0	0
District of Columbia	67	63	69	0	0	0
Florida	509	495	302	5	0	0
Georgia	57	68	63	5	1	0
Guam	42	32	24	10	9	9
Hawaii	7	150	7	4	0	0
Idaho	39	26	34	1	0	0
Illinois	73	130	195	57	12	0
Indiana	90	77	66	11	3	3
Iowa	95	79	22	21	0	3
Kansas	180	275	260	72	10	25
Kentucky	85	94	28	6	9	0
Louisiana	212	179	168	20	5	0
Maine	167	91	28	26	5	0
Maryland	30	14	189	7	1	0
Massachusetts	435	242	262	47	38	4
Michigan	555	416	270	44	1	0
Minnesota	382	185	187	9	1	0
Mississippi	64	65	58	0	0	0
Missouri	54	261	10	5	0	0
Montana	42	21	38	0	0	0
Nebraska	12	98	1	0	0	0
Nevada	40	94	55	6	0	0
New Hampshire	0	1	69	2	1	0
New Jersey	206	206	189	2	5	10
New Mexico	0	7	69	1	0	0
New York	449	795	286	52	34	6
North Carolina	27	83	71	3	0	0
North Dakota	0	106	0	0	0	0
Northern Mariana Islands	18	0	1	7	0	1
Ohio	171	171	114	23	9	0
Oklahoma	80	78	41	15	3	0
Oregon	34	66	44	3	0	0
Pennsylvania	391	410	398	61	1	0
Puerto Rico	9	5	30	15	0	0
Rhode Island	195	227	112	3	0	0
South Carolina	0	49	32	0	0	0
South Dakota	14	23	37	0	1	0
Tennessee	1	19	4	15	1	0
Texas	213	213	80	12	4	0
Utah	21	33	103	17	0	0
Vermont	259	259	259	2	2	43
Virgin Islands	28	33	26	24	8	12
Virginia	12	35	88	20	2	0
Washington	602	331	146	74	4	0
West Virginia	26	24	9	9	0	0
Wisconsin	56	46	58	17	0	0
Wyoming	43	32	6	0	2	0
Total	6970	7363	5206	879	207	137

Client Assistance Program (CAP)

1989 Narrative Analysis

Outreach

Five CAPs (CO, FL, MN, NM, and SD) described specific activities aimed at outreach to Native Americans in their states. For example, the FL CAP presented to leaders of seventeen tribes at the United Southeastern Tribes conference and distributed materials to the CAPs, DDP&As and PAMIs from the other twelve states represented there. CAP provided similar information to tribal resource coordinators in attendance at the USET Alternative Resource Conference held in the Spring. CAP was also active with DVR in the development of its Native American Program and participated in the First National Conference on Native Americans with Disabilities. The FL CAP also developed an agency brochure designed specifically for Native Americans.

Four CAPs (CO, HI, LA, and RI) focused on outreach efforts aimed at other programs, projects and facilities funded under the Rehabilitation Act. Some of these efforts resulted in cooperative agreements between the CAP and another rehabilitation program. For example, staff from the HI CAP/P&A met with staff from the Hawaii Centers for Independent Living (HCIL) to begin negotiations to update the cooperative agreement between the two agencies. Among the terms agreed upon at this meeting were the exchange of presentations to each agency and the distribution of one another's brochures, materials and handouts. In LA, the CAP developed informal agreements with other agencies funded under the Act (e.g., ILC, Goodwill Industries, Epilepsy Council, etc.) to ensure that rehabilitation clients and applicants were aware of the services CAP provides.

A few CAPs implemented outreach programs designed to target minority populations. For example, the TX CAP implemented specific minority outreach opportunities through a variety of activities, including: 1) dividing the state into regions among CAP staff; 2) identifying minority leaders within those regions; 3) meeting with minority community leaders; 4) organizing minority consumer forums; and 5) speaking at conferences organized by and aimed at reaching minority consumers.

A few CAPs reported outreach efforts aimed at other special populations. For example, the FL CAP also targeted their outreach activities at individuals who were blind or visually impaired. The MN CAP focused some of its outreach activities on the under-represented client groups according to their CAP statistics. Under its outreach program to people of color, the MN CAP met with staff of neighborhood community centers, churches, YMCAs, YWCAs, health service programs, American Indian Centers, and refugee services staff of Lutheran Social Services, Lao Family, and Centro Chicano Cultural.

Many CAPs reported different and sometimes unique approaches to outreach. In Maine, the CAP is designated to the State's Bureau of Rehabilitation which contracts the provision of CAP services to Maine Advocacy Services. As stipulated by the contract, CAP field advocates maintained office hours at the regional VR offices. Since a client walk-in setting was not available during FY 1989, the CAP in American Samoa placed a great deal of emphasis on home visitations and outreach activities aimed at clients who were unable to reach the CAP office and who lacked telephone resources or access to public transportation.

Supported Employment

The CT CAP is expecting to increase its efforts to advocate for a coordinated funding base for the provision of supported employment to persons who are not eligible for current funding resources during 1990.

During FY 1989, CAP staff in Hawaii met with the Executive Directors of two agencies which provide supported employment programs. The meetings provided CAP staff with updated information on these programs and provided an opportunity to address issues unique to each island, e.g., the closure of an agency which provided work activity programs on the island of Kauai and the subsequent displacement of fifty clients.

Staff from the KY CAP worked with the Supported Employment Council to develop a booklet explaining SSI and SSDI work incentives. The booklet is written in a simple manner in order to aid clients, parents, and other persons such as supported employment project staff. The LA CAP worked with two supported employment programs, encouraging them to pay closer attention to the plans for job development for clients with severe disabilities.

The MN CAP reported that funding was not available for long-term support for supported employment clients with severe disabilities. CAP was successful in working with the Legal Advocacy for Persons with Developmental Disabilities Unit of the Legal Aid Society of Minneapolis to obtain services through the county for one client. CAP also expressed concern about the lack of long-term funding for persons who have traumatic brain injuries (TBI) or mental illness, and are in need of supported employment. At this time, only one county in Minnesota has been willing to provide long-term funding for supported employment for clients with TBI.

Movement of CAP or VR

During 1989, a key system advocacy issue for the CM CAP was the transfer of DRS from the Department of Education to the Department of Human Resources. Commissioned by the Legislature in 1988, an outside consultant study was released in February, 1989. CAP reviewed the study results, developed a formal response and

submitted it to the Office of Policy and Management. A bill calling for the transfer of DRS was submitted to the Legislature and was tracked by P&A's Legislative Liaison throughout the 1989 legislative session. A last minute compromise resulted in a Transition Team being established to oversee the transfer of DRS. The Transition Team was required to report to the Legislature by February 1, 1990, and the transfer is to be completed by July, 1990. P&A was named as a member of the Transition Team, and the Program Director of CAP represents the Office on that committee.

A restructuring of the VR agency's administration allowed the "internal" CAP in Nevada to increase its distance from the general and blind VR bureaus. Supervision of the CAP Director was moved from the general program's bureau chief to the administrator of the umbrella rehabilitation division. The CAP office itself was moved from a rehabilitation services building to an independent location. As CAP increased its psychological and geographical distance from the VR agency, some rehabilitation counselors and supervisors questioned CAP's authority to review VR case records with client permission. Some agency staff identified CAP as a "third party," which could not have access to VR case material not generated by the VR agency itself. Other staff refused to provide CAP with requested information, because CAP "might" share case information with the involved individual. This problem was solved by clarifying the role of CAP as a representative of the client as defined by 34 CFR 361.49(c)(1). Having obtained the clients' permission, such representatives can have access to the entire VR file and may share that information with the client.

Self Advocacy

The CAPs in several states (CO, FL, IL, KS, LA, MN, NM, RI, SD, and TX) reported strong commitments to consumer empowerment and promoting self-advocacy in their clients whenever appropriate. For example, the KS CAP conducts self-advocacy workshops and the LA CAP provides instruction in how to self-advocate for many clients.

The MN CAP recently developed two self-advocacy teaching programs, one targeted towards professionals interested in empowering people with disabilities and one focused on teaching clients to become self advocates.

Resources for Information and Referrals

In an effort to effectively provide accurate information to callers, the FL CAP has maintained and updated vocational rehabilitation agency staff rosters, developed referral resource listings, created book and directory suggestions and collected information on eligibility criteria, policy, and appeals processes for various programs.

Supplemental Funding

The IL CAP also provides services to the Home Services Program (HSP) clients. HSP serves many of the same clients served through DORS' VR system. CAP services for HSP clients are state funded. State funds are also used to raise community awareness of the existence and capabilities of persons with disabilities, and help them attain the goal of full community participation. During FY 1989, CAP provided information and support to an independent living center in its efforts to address the need for accessibility compliance at a community college and provided accessibility consultation for remodeling a county court house in a county not served by an independent living center.

The ME Bureau of Rehabilitation supplements CAP funds with Social Security Reimbursement (SSA-VR) funds. The purpose of this additional funding is to provide information, referral, advocacy and legal representation to Bureau of Rehabilitation clients who have non-Rehabilitation Act problems which have a negative impact on their ability to reach their vocational goals. For example, CAP assisted 24 persons with Social Security problems during FY 1989.

Assistive Technology

During FY 1989, the RI CAP was asked to participate in the planning of a Technology grant aimed at improving information and access to available technology. CAP was asked to assist in ensuring that the grant was consumer responsive. RI CAP utilized current rehabilitation/technology concerns in the planning and made direct suggestions for grant content. All this resulted in a strong consumer responsiveness component of this grant.

Systems Advocacy

CAPs nationwide reported a wide variety of systemic problems that they had identified and made suggestions to correct. Since a list of such problems would be extensive and likely not comprehensive, only a sampling is presented here.

The types of systemic problems that CAPs addressed during FY 1989 included: services to people with traumatic brain injury (LA, CM), HIV infections and AIDS (TX), hearing impairments (NC); job placement services (LA, SD, TX); services to persons in state mental health facilities (LA), problems with independent living funds (SD); selection and training of Impartial Hearing Officers (LA, TX); abuse and neglect in facilities (MN); purchase and modification of vehicles (NC); addressing appropriate vocational goals (NM, UT); failure to fully understand or effectively utilize "similar benefits" (FL); timeliness of authorization for cost services (PA); problems with physical restoration guidelines (IN); transition services

(NM, TX); issues involving OVR's emancipation policy (PA); denial before application (UT); and caseload management (NC).

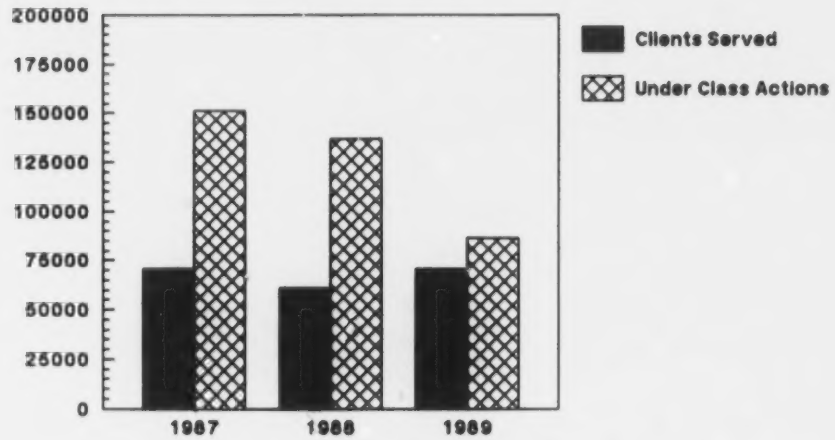
Many CAPs reported actively participating in VR-sponsored activities such as State Advisory Councils (CN), Policy Committees (CN, NH), management review processes (FL), and manual revisions (FL). In addition, the FL CAP instituted a practice of follow-up with individuals referred to either agency to verify that applications were accepted and processed and recommended that DVR establish a Status 00 in its computer case tracking system to reduce the possibility of referrals being "lost" or set aside indefinitely. Also, The MN CAP met with agency representatives to discuss problems in how the agencies figured of financial aid and income guidelines as they relate to similar benefits, especially for clients who desire to attend private school.

Through careful monitoring of client concerns and referrals, the NM CAP noted a need to focus on related issues raising questions of de-facto discrimination. Particularly affected have been clients with mental illness diagnoses, developmental disabilities, and traumatic brain injuries or organic syndromes. The NM CAP concentrated on VR's resistance to including appropriate rehabilitation services for disabilities affecting a client's behavioral control and on the State Agency's definitions and interpretation of "essential services."

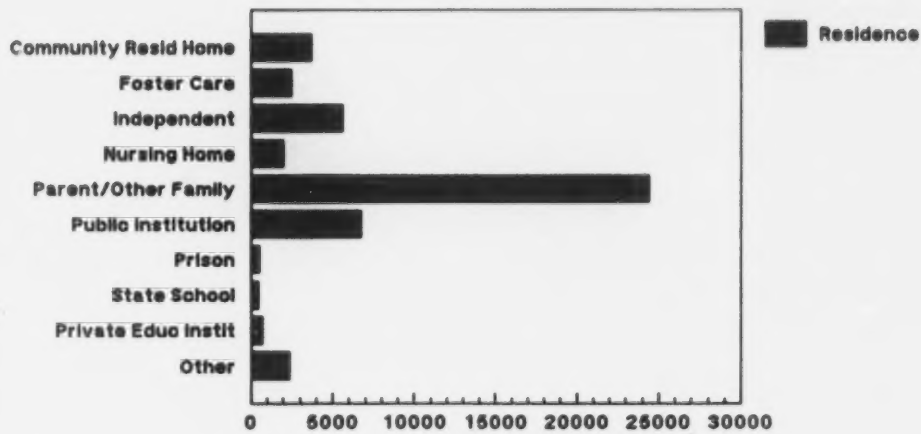
**PROTECTION & ADVOCACY SYSTEM FOR PERSONS
WITH DEVELOPMENTAL DISABILITIES (PADD) REPORT**

<i>Bar Graphs</i>	<i>24</i>
<i>Program Performance Report - (State Statistics)</i>	<i>25</i>
<i>Narrative Summary</i>	<i>31</i>

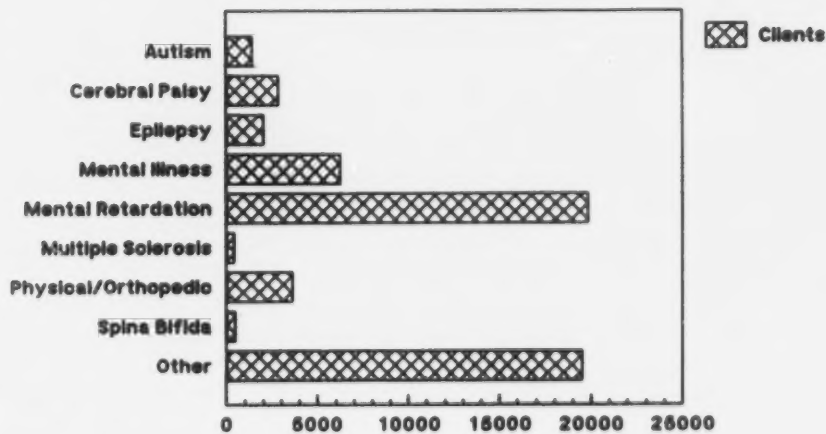
Total Clients - PADD
1987-1989



PADD - 1989
Client Living Arrangement in U.S.



PADD - 1989
Client Disabilities in U.S.



P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Clients Served

	<u>Total Clients Served</u>	<u>Individuals Served by Class Actions</u>
Alabama	223	9002
Alaska	203	4
American Samoa	37	0
Arizona	452	5000
Arkansas	207	0
California	4026	0
Colorado	157	0
Connecticut	4159	0
Delaware	191	0
District of Columbia	1056	0
Florida	779	2450
Georgia	509	0
Guam	40	149
Hawaii	353	132
Idaho	655	0
Illinois	1009	750
Indiana	521	0
Iowa	188	1706
Kansas	183	11
Kentucky	726	0
Louisiana	1489	4207
Maine	795	0
Maryland	3122	0
Massachusetts	2464	0
Michigan	5760	2150
Minnesota	722	3000
Mississippi	170	0
Missouri	644	0
Montana	164	0
Nebraska	467	100
Nevada	340	0
New Hampshire	246	500
New Jersey	2724	0
New Mexico	144	550
New York	17000	838
North Carolina	1186	3
North Dakota	594	123
Ohio	1682	7580
Oklahoma	1622	0
Oregon	522	1000
Pennsylvania	5456	26066
Puerto Rico	82	0
Rhode Island	430	0
South Carolina	614	0
South Dakota	262	0
Tennessee	224	0
Texas	475	19769
Utah	657	0
Vermont	866	0
Virgin Islands	172	8
Virginia	1124	0
Washington	875	0
West Virginia	1030	726
Wisconsin	587	480
Wyoming	118	240
Total	<u>70508</u>	<u>86544</u>

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Clients Living Arrangements

	Comm Resid	Foster Care	Indep _____	Nurse Home	Parent Family	Pub Instit	Prison _____	State School	Priv Educ	Other _____
Alabama	15	7	1	6	146	7	3	1	0	37
Alaska	36	11	21	7	96	20	4	0	1	43
American Samoa	0	0	0	2	35	0	0	0	0	0
Arizona	11	3	65	7	329	1	1	0	3	15
Arkansas	3	3	4	19	169	4	0	2	0	3
California	277	38	321	33	2401	91	8	14	23	65
Colorado	26	2	8	6	86	5	1	1	3	19
Connecticut	491	0	53	8	160	19	1	0	8	114
Delaware	20	12	35	5	97	4	1	0	9	8
District of Columbia	169	30	119	23	393	110	20	0	67	90
Florida	16	2	1	15	70	1	0	0	1	4
Georgia	30	15	72	35	250	63	11	2	3	28
Guam	0	0	5	1	26	2	1	0	0	2
Hawaii	15	3	21	5	55	0	3	0	2	26
Idaho	0	10	175	16	376	6	1	6	2	18
Illinois	64	731	64	0	25	72	46	5	38	28
Indiana	72	5	24	38	303	27	5	8	5	34
Iowa	18	2	13	13	121	3	0	17	0	1
Kansas	18	1	8	3	158	1	1	1	5	4
Kentucky	55	17	27	83	491	29	12	7	1	4
Louisiana	18	26	50	5	318	11	6	6	0	19
Maine	14	26	15	6	656	13	3	0	40	20
Maryland	0	422	379	342	723	606	23	9	84	534
Massachusetts	171	31	1037	56	823	63	14	16	99	154
Michigan	173	344	806	230	3514	347	115	2	6	223
Minnesota	50	36	19	79	477	31	7	2	1	20
Mississippi	3	1	4	0	153	3	0	1	5	0
Missouri	21	4	35	5	529	17	4	0	3	12
Montana	54	10	12	9	65	11	1	0	0	2
Nebraska	82	19	33	9	290	10	1	3	4	16
Nevada	42	21	15	53	190	7	0	0	2	10
New Hampshire	50	7	28	6	107	20	1	6	13	8
New Jersey	125	21	193	32	615	321	29	104	100	56
New Mexico	10	0	6	3	14	107	0	0	0	4
New York	65	19	77	5	495	20	7	14	18	118
North Carolina	9	5	245	4	161	731	0	4	0	27
North Dakota	195	11	62	147	87	75	1	9	4	3
Ohio	370	38	192	134	610	180	14	14	2	128
Oklahoma	140	38	302	257	825	55	2	1	2	0
Oregon	48	25	71	8	284	7	0	0	7	10
Pennsylvania	147	127	416	9	3830	2786	7	1	39	149
Puerto Rico	0	0	0	0	82	0	0	0	0	0
Rhode Island	27	0	25	2	128	16	0	0	8	1
South Carolina	36	15	58	4	409	51	21	1	1	16
South Dakota	57	10	41	10	120	5	3	2	10	6
Tennessee	4	5	0	0	198	8	3	2	2	2
Texas	27	4	2	28	299	3	34	19	17	42
Utah	36	17	96	108	323	21	4	24	1	27
Vermont	99	99	130	23	342	84	9	18	0	11
Virgin Islands	0	8	4	1	151	0	1	15	0	0
Virginia	15	14	42	5	981	24	2	16	7	17
Washington	0	17	110	5	168	332	71	64	0	108
West Virginia	298	123	25	4	294	214	1	15	2	54
Wisconsin	0	31	50	46	289	73	8	1	2	28
Wyoming	3	2	4	1	58	5	0	36	5	4
Total	3725	2468	5621	1961	24395	6722	511	469	655	2372

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Clients' Disabilities

	Autism	CP	Epilepsy	MI	MR	MS	Phy/Ortho	Spina Bifida	Other
Alabama	11	30	13	5	159	1	7	6	198
Alaska	4	30	21	14	135	5	25	1	67
American Samoa	7	4	7	0	20	0	9	0	11
Arizona	11	31	15	110	84	3	34	4	153
Arkansas	3	16	4	13	60	0	7	3	128
California	48	48	39	24	203	0	51	4	198
Colorado	3	12	2	8	65	0	6	0	57
Connecticut	20	43	12	132	672	20	21	8	273
Delaware	2	10	4	21	52	1	14	1	109
District of Columbia	7	54	16	704	164	38	0	0	209
Florida	6	15	12	11	60	0	6	2	6
Georgia	17	88	34	85	332	0	69	3	142
Guam	0	2	2	2	11	0	19	0	15
Hawaii	8	3	0	4	73	1	9	1	59
Idaho	16	64	64	0	197	8	51	5	390
Illinois	22	110	98	202	685	0	316	24	180
Indiana	25	67	64	85	314	0	38	14	229
Iowa	18	19	16	6	95	1	19	0	194
Kansas	9	14	14	65	61	1	46	1	72
Kentucky	59	146	65	46	529	9	38	12	313
Louisiana	14	47	36	37	103	0	41	14	296
Maine	20	40	18	163	151	1	47	8	0
Maryland	52	94	92	1131	936	20	295	12	1512
Massachusetts	50	62	125	302	597	78	389	10	1156
Michigan	173	228	118	232	1094	22	354	17	3522
Minnesota	44	94	22	55	477	0	27	9	144
Mississippi	6	13	4	21	37	0	34	1	136
Missouri	20	48	18	12	156	2	7	6	311
Montana	7	8	0	1	110	0	4	0	34
Nebraska	17	54	21	45	245	0	61	11	246
Nevada	9	22	10	34	185	1	22	5	198
New Hampshire	7	21	16	0	173	0	40	0	91
New Jersey	112	61	70	53	1026	24	127	9	309
New Mexico	2	9	3	10	126	0	3	1	76
New York	40	89	43	76	280	111	111	111	203
North Carolina	12	16	30	723	109	5	153	2	399
North Dakota	8	56	126	53	551	2	116	3	137
Ohio	25	70	36	138	1266	8	48	10	334
Oklahoma	11	61	36	24	747	2	1	49	273
Oregon	29	60	41	83	245	3	52	5	225
Pennsylvania	90	132	101	633	3730	7	255	4	2582
Puerto Rico	7	5	1	2	29	0	9	6	32
Rhode Island	6	8	8	16	87	0	3	1	129
South Carolina	24	44	20	120	217	5	52	3	303
South Dakota	11	21	15	20	148	1	47	6	68
Tennessee	8	22	12	33	47	0	6	4	204
Texas	27	32	13	71	185	0	31	8	293
Utah	20	45	19	77	311	3	86	9	229
Vermont	19	125	116	145	558	9	109	6	391
Virgin Islands	2	30	10	8	26	2	35	0	109
Virginia	58	124	32	26	261	0	44	16	944
Washington	88	56	113	134	551	4	110	0	980
West Virginia	36	96	152	101	705	0	13	12	475
Wisconsin	31	98	38	84	288	6	55	5	105
Wyoming	1	15	0	31	99	1	31	1	64
Total	1382	2812	2017	6231	19827	405	3603	453	19513

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Case Problem Areas

	<u>Ab&Nq1</u>	<u>Cmit</u>	<u>Arch</u>	<u>Cond</u>	<u>Cnsnt</u>	<u>Cntr</u>	<u>Crim</u>	<u>Day</u>	<u>Educ</u>	<u>Empl</u>	<u>Fin</u>	<u>Gard</u>	<u>Hab</u>	<u>Hous</u>
Alabama	46	9	1	12	0	0	3	4	119	1	10	0	25	2
Alaska	7	1	2	2	0	0	4	1	87	8	38	9	33	6
American Samoa	0	2	0	2	1	0	5	3	15	1	4	1	0	0
Arizona	22	1	6	1	0	0	1	1	325	20	11	8	3	16
Arkansas	2	8	0	4	1	1	3	1	185	4	5	3	19	3
California	113	24	7	0	12	1	40	0	1387	62	18	125	683	22
Colorado	10	0	0	2	1	0	0	0	83	4	10	2	1	3
Connecticut	95	68	542	39	31	13	137	25	640	301	425	42	165	495
Delaware	3	3	2	17	0	3	3	0	79	11	27	8	11	12
DC	328	30	32	0	0	4	212	36	307	152	309	8	99	195
Florida	16	4	2	13	1	0	1	0	61	0	7	1	39	10
Georgia	184	50	1	13	5	5	28	8	129	33	34	14	133	90
Guam	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	23	4	0	36	0	0	2	1	30	2	14	7	0	5
Idaho	24	6	1	8	0	5	10	0	247	10	161	21	16	23
Illinois	351	0	141	0	0	0	0	0	0	105	127	83	164	0
Indiana	76	40	1	5	17	2	16	2	234	3	28	42	51	46
Iowa	33	6	1	5	4	0	5	0	112	13	13	9	37	19
Kansas	2	2	0	1	0	0	4	0	169	4	13	0	5	5
Kentucky	78	63	8	36	19	6	27	5	335	36	62	36	62	62
Louisiana	2	0	24	2	0	0	41	0	234	25	76	15	5	5
Maine	18	3	3	3	1	2	2	0	656	8	1	12	26	25
Maryland	869	54	2	137	13	23	56	1	354	47	137	200	110	56
Massachusetts	105	33	23	24	7	10	85	9	451	368	528	175	22	213
Michigan	206	8	83	623	0	8	84	2	1673	124	247	83	0	253
Minnesota	9	25	1	18	0	2	1	0	346	7	11	31	202	5
Mississippi	10	0	1	0	0	0	0	0	146	2	4	0	1	3
Missouri	21	0	0	4	0	2	1	3	433	11	16	14	35	15
Montana	6	4	1	1	1	0	3	0	53	4	13	6	15	38
Nebraska	37	8	2	8	1	3	15	3	242	11	31	43	62	7
Nevada	58	17	2	14	11	0	2	0	150	11	22	17	49	16
New Hampshire	11	0	0	3	0	0	4	1	73	1	24	5	86	16
New Jersey	62	56	44	40	6	0	5	12	279	58	35	1026	32	25
New Mexico	23	90	1	90	3	0	2	0	6	1	7	7	106	2
New York	43	3	1	0	7	6	10	1	414	16	127	19	29	24
North Carolina	205	48	2	84	0	10	8	0	146	219	22	4	93	29
North Dakota	188	9	1	4	10	1	38	4	48	13	15	68	292	9
Ohio	104	50	2	36	4	14	46	0	331	20	118	166	234	148
Oklahoma	36	1	223	57	0	3	2	3	837	56	124	5	89	25
Oregon	41	3	6	6	0	4	16	17	236	10	37	45	8	34
Pennsylvania	73	7	35	2708	10	17	10	7	4160	88	99	67	86	30
Puerto Rico	0	2	1	0	0	0	0	0	78	0	0	0	0	0
Rhode Island	17	2	1	0	10	1	5	0	104	2	18	4	28	34
South Carolina	24	12	5	4	1	0	15	0	289	40	19	7	12	7
South Dakota	13	6	6	3	0	3	7	0	113	9	31	12	98	24
Tennessee	3	1	0	0	0	0	0	0	209	0	1	2	3	23
Texas	14	4	3	3	3	0	86	0	344	4	4	37	28	65
Utah	26	8	2	3	0	0	2	3	242	10	144	47	81	15
Vermont	55	117	45	109	14	8	23	20	297	259	122	39	43	93
Virgin Islands	3	1	2	0	2	1	5	7	89	25	8	12	35	18
Virginia	42	8	1	0	1	0	7	6	968	24	35	8	14	17
Washington	99	18	4	0	0	0	114	8	151	43	0	178	192	36
West Virginia	55	250	43	236	16	0	20	37	478	92	44	122	356	132
Wisconsin	48	35	11	31	9	6	29	12	215	34	56	36	57	27
Wyoming	8	2	0	5	1	0	0	0	78	5	17	7	8	18
Total	3947	1206	1328	4452	223	164	1245	243	19467	2417	3509	2938	4083	2501

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Case Problem Areas (Continued)

	<u>Ins</u>	<u>Med</u>	<u>Rec</u>	<u>Reh</u>	<u>Rts</u>	<u>Stiz</u>	<u>Tran</u>	<u>Vote</u>	<u>Will</u>	<u>Zone</u>	<u>Other</u>
Alabama	1	5	2	9	0	0	2	0	0	0	0
Alaska	1	1	1	6	2	0	0	0	0	0	34
American Samoa	0	10	0	3	0	1	0	0	0	0	2
Arizona	5	7	1	5	0	0	10	0	0	0	36
Arkansas	0	3	2	1	0	0	1	0	0	0	9
California	58	19	13	40	16	12	13	0	40	2	1319
Colorado	0	0	1	0	0	1	1	1	0	0	37
Connecticut	96	30	6	128	4	0	147	0	0	0	860
Delaware	2	4	2	0	0	2	0	0	1	0	6
District of Columbia	2	53	12	279	26	0	15	0	0	0	110
Florida	0	8	2	8	1	0	0	0	0	4	1
Georgia	5	44	14	5	8	1	16	0	6	0	13
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	2	3	46	3	8	2	2	0	0	0	76
Idaho	5	32	1	8	1	0	5	1	7	0	105
Illinois	0	164	0	165	0	0	0	0	0	0	13
Indiana	2	28	1	13	2	3	3	0	1	0	13
Iowa	3	15	3	13	0	0	1	0	1	0	62
Kansas	0	3	0	3	0	0	0	0	0	0	6
Kentucky	31	25	3	39	31	1	0	1	8	0	194
Louisiana	4	7	0	0	0	0	4	1	0	0	14
Maine	1	10	2	1	1	0	2	0	1	0	160
Maryland	26	64	14	34	16	4	8	4	37	2	1758
Massachusetts	117	103	42	72	24	12	36	0	142	10	442
Michigan	121	366	4	12	5	4	1179	2	8	2	663
Minnesota	2	2	2	14	3	1	0	0	1	3	11
Mississippi	1	4	0	1	0	0	1	0	0	0	0
Missouri	13	0	1	8	0	0	2	0	3	0	94
Montana	3	9	0	2	5	0	6	0	2	0	21
Nebraska	2	13	0	6	2	8	7	1	2	1	35
Nevada	5	20	1	7	4	4	3	0	0	0	38
New Hampshire	11	9	0	16	1	0	0	0	1	0	6
New Jersey	14	37	4	59	0	1	27	2	10	0	425
New Mexico	0	3	0	1	2	2	0	0	0	0	8
New York	14	1	54	4	12	3	23	5	4	1	22
North Carolina	1	61	1	17	8	0	2	0	0	0	415
North Dakota	1	38	8	6	4	4	3	0	4	0	144
Ohio	14	105	20	0	35	3	3	1	10	24	302
Oklahoma	47	9	43	16	0	0	46	0	0	0	0
Oregon	3	12	2	9	1	6	12	0	2	2	64
Pennsylvania	16	21	14	19	8	31	40	10	25	22	75
Puerto Rico	0	0	0	0	0	0	1	0	0	0	0
Rhode Island	2	6	0	6	0	0	0	1	0	0	3
South Carolina	2	20	5	7	2	6	6	0	0	0	158
South Dakota	4	20	1	6	4	4	5	0	11	0	7
Tennessee	0	0	0	0	0	0	1	0	0	0	1
Texas	4	8	2	5	0	3	4	1	1	2	49
Utah	2	21	0	2	3	8	6	0	0	0	61
Vermont	11	15	8	26	8	2	46	10	0	41	314
Virgin Islands	12	73	8	60	0	0	4	0	2	0	0
Virginia	17	11	0	23	0	3	3	1	0	0	50
Washington	0	196	48	52	19	0	7	0	0	0	813
West Virginia	8	124	7	180	10	3	44	10	2	0	131
Wisconsin	10	41	5	22	9	5	11	1	9	0	77
Wyoming	0	6	1	2	1	0	0	0	0	0	27
Total	701	1889	407	1423	286	140	1758	53	341	116	9282

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

P&A for Persons with Developmental Disabilities (DD) 1989 Program Performance Report

Remedies to Problems

	<u>Problems Resolved in Clients Favor</u>	<u>Supv</u>	<u>Conslt</u>	<u>Admin</u>	<u>Legal</u>	<u>Other</u>
Alabama	130	12	47	14	18	134
Alaska	135	8	56	16	2	49
American Samoa	34	2	10	12	5	5
Arizona	0	0	0	0	0	0
Arkansas	0	84	358	110	7	6
California	155	2	42	25	42	44
Colorado	141	4	37	66	4	20
Connecticut	3327	945	945	945	120	373
Delaware	164	3	74	11	10	66
District of Columbia	0	0	0	0	0	0
Florida	0	29	30	22	0	9
Georgia	349	56	59	56	10	168
Guam	0	0	0	0	0	0
Hawaii	243	1	40	4	2	0
Idaho	547	257	131	60	22	77
Illinois	0	0	0	0	0	0
Indiana	324	49	62	10	13	191
Iowa	158	43	22	12	7	75
Kansas	134	5	63	1	1	63
Kentucky	441	106	72	35	20	208
Louisiana	210	0	44	25	34	107
Maine	797	70	508	135	27	1225
Maryland	1811	118	290	380	706	254
Massachusetts	2119	636	805	21	254	403
Michigan	3596	791	2337	144	36	324
Minnesota	686	7	425	55	21	178
Mississippi	153	24	116	9	3	0
Missouri	644	141	457	13	26	5
Montana	20	1	18	5	8	3
Nebraska	262	36	408	23	16	24
Nevada	365	55	131	7	4	168
New Hampshire	0	0	0	0	0	0
New Jersey	1160	72	835	96	70	948
New Mexico	290	87	52	0	3	226
New York	0	0	0	0	0	0
North Carolina	944	217	444	179	9	0
North Dakota	449	18	32	4	18	377
Ohio	1346	639	774	17	17	235
Oklahoma	1541	8	8	1418	108	0
Oregon	470	9	235	0	5	221
Pennsylvania	4365	960	2663	175	393	175
Puerto Rico	58	0	0	58	0	0
Rhode Island	57	1	12	8	13	23
South Carolina	379	156	219	47	13	186
South Dakota	320	64	150	32	6	67
Tennessee	176	12	69	89	5	1
Texas	635	25	508	44	32	25
Utah	338	3	16	64	13	4
Vermont	570	50	0	135	135	250
Virgin Islands	180	27	45	63	36	9
Virginia	438	37	287	8	0	106
Washington	1780	385	300	490	403	56
West Virginia	150	26	54	17	5	50
Wisconsin	353	53	152	28	18	102
Wyoming	233	15	155	41	21	233
Total	<u>33177</u>	<u>6349</u>	<u>14597</u>	<u>5229</u>	<u>2741</u>	<u>7473</u>

* Annual statistical data was unreported from the Commonwealth of the Northern Mariana Islands.

Protection & Advocacy Systems for Persons with Developmental Disabilities (PADD)

1989 Narrative Analysis

Outreach

PADD Systems throughout the country conducted outreach activities through training on such issues as Section 504 of the Rehabilitation Act, special education, self advocacy, guardianship, active treatment, and estate planning. Other outreach activities occurred through involvement in state agencies and planning councils, and other private organizations. Examples include state departments of Alcohol and Drug Abuse, Divisions of Child Mental Health, various governor's councils, and state Head Injury Foundation offices.

In several states, working relationships with the state long term care ombudsman program, parent training centers, and Part H inter-agency councils have potential for meeting the needs of those still unserved. For example, PADD Systems in Arkansas, Louisiana, Alaska and Wisconsin developed formal relationships with their long term care ombudsmen, largely in response to passage of the nursing home reform provisions of OBRA '87 and the Older American's Act. In addition, the Colorado PADD houses the long term care ombudsmen program.

PADD provided training and workshops for law students, physicians, judges, court personnel and police officers in awareness and identification of persons with developmental disabilities in order to better assist client needs. Translation of various agencies' brochures and publications into such languages as Korean, Chinese, Spanish, and Vietnamese is now a frequent occurrence, as demonstrated by California PADD. Training and outreach to Native American populations continued as well in such states as SD, UT, NM, AZ and WY.

Systemic Reform and Litigation

PADD Systems in many states have undertaken litigation that has achieved or promises to achieve significant systemic reform in the delivery of services to persons with developmental disabilities. Important cases have been undertaken in the areas of access, special education, housing, Part H of the Education for Handicapped Children's Act, and AIDS. Other states have undertaken advocacy efforts to impact systemic reform. The following represents a sampling of state litigation and other PADD advocacy activities.

- Mississippi PADD, in Cotton v. Boswell Retardation Center, won the right to enter Boswell Retardation Center unannounced and to gain better access to records and clients to investigate charges of abuse and neglect and other issues. The case is on appeal to the 5th Circuit Court of Appeals.

- In West Virginia, a settlement from Boles v. State Board of Education, resulted in the overhaul of the system requiring all hearing officers to be attorneys, including extensive training for hearing officers and assignment on a rotation-basis.
- Michigan PADD brought suit against the Dept. of Education and the Dept. of Corrections to assure appropriate education was being provided to the incarcerated offender with developmental disabilities.
- The DD Offender Advocacy Project in Washington, DC provides individualized plans that are alternatives to incarceration for juveniles and criminals.
- Pennsylvania PADD, in a settlement of the Carlos M. et al v. Delmuth and Cavazos included the decision that a student's IEP follows him from one school district to another in the same state.
- Idaho PADD is working with the state Director of Special Education in developing a mediation program for resolution of special education disputes.
- PADD Systems in Arizona, Iowa, Kentucky, Maryland, Massachusetts and Louisiana all report dealing with issues involving extended school years. Louisiana's class action brought to ensure access to extended year programs resulted in those decisions now based on individual need rather than fixed time periods.
- Alabama PADD filed a class action requiring local education agencies to identify and serve head injured children.
- New Hampshire PADD's suit, Timothy W v. Rochester, NH School District provided resounding affirmation of the right of all children with disabilities to a free and appropriate special education under PL 94-142, despite severity. The case also made it illegal to use an arbitrary standard to exclude any handicapped student.
- Arizona's Zobrest v. Catalina Foothills School District represented the rights of a hearing impaired child to receive the services of a certified sign language interpreter on site at a parochial school under EHA to be questioned. The case has been appealed to the Ninth Circuit Court of Appeals; decision expected summer of 1990.
- New York's Detzel v. Bowen involved an inhaler dependent child, and required the courts to direct Medicaid to pay for nursing care at school. The case was won in January, 1990.
- In Oklahoma several cases resulted in improved schooling for children with developmental disabilities. In Rossier v. Moore Schools, a child who was not allowed to attend school on campus was reinstated. In Cassell v. Silo, the suit attempted to rectify a situations involving a child who was being locked in a closet all day.

Guardianship

- Kansas PADD has developed a Guardianship Program that actively recruits people to serve who are involved in the monitoring of services to the individual.
- Louisiana PADD has monitored and influenced the development of the state Adult Protective Services plan.
- Pennsylvania PADD has brought a lawsuit on behalf of children placed in foster care or pre-adoptive homes rather than those that have legal custody of them.
- Through a contract for services with the state Dept. of Education, South Dakota P&A provides IEP review for those children without parents or guardians.

Treatment

- Colorado PADD has aided in developing a three year plan to drastically reduce the number of persons residing in institutions and transition into community placements. This includes monitoring the transition of those residents into the community programs.
- Rhode Island presented a class action on behalf of several plaintiffs with developmental disabilities in need of group home placements.
- Alabama advocated on behalf of a mentally retarded adult who since aging out of public school services spent all his time at home alone. ADAP's efforts resulted in a respite care worker assigned to stay with the client and participation in an activities program.
- Reports of abuse and neglect of a client in his home in Hawaii, resulted in a new placement in an intermediate care facility.
- In Oregon, a 24 year old man who is deaf and autistic was released from a state hospital when the state DD program was persuaded to fund a specialized foster care and vocational program for him.
- In Iowa, a client with autism was raped in an institution that had no appropriate program for people with autism. The parents filed a state Tort claim and advocates have continued to work with parents on finding an appropriate program and community placement.

- California PADD found community placement for three autistic individuals when their community facility was changing service to children-only and clients were at risk of placement in the state developmental center. Wisconsin PADD helped to create a home and community based waiver for people with developmental disabilities in group homes and ICF/MRs, with active treatment provisions.
- Kansas (KAPS) represented an 11 year old boy who had returned to public school from a private psychiatric facility to meet with the school's refusal to provide services for him, believing he needed a more restrictive setting. An evaluation and IEP had been developed that had resulted in a shortened school day, inappropriate discipline and routine suspensions. A formal complaint of non-compliance was filed and the SEA found for KAPS and the child.
- A similar case in North Carolina brought about a due process claim for an emotionally disturbed minor to receive appropriate education.

Nursing Homes

- Alabama successfully negotiated a change of placement and obtained additional services for a young client who resides in a nursing home. The client now leaves the home for 8 hours a day and has the opportunity to associate with non-handicapped children. In addition, the client will receive summer services from the local school system.
- In Iowa, an elderly man was given notice of involuntary discharge on the basis of "welfare" and danger to other residents. A hearing before the ALJ, found that the allegations were not substantiated and the man was able to remain.
- Utah, Virginia, and Washington, among many other agencies, have reported working through the implementation of recent nursing home reforms, providing advisory oversight, and serving on state and local task forces.

Housing

- Connecticut's Harris et al v. Milner (Lysak) et al resulted in a skywalk being made accessible, and established a process requiring all applications for building permits be reviewed by an Advisory Board Commission on the Handicapped before construction and to make recommendations regarding accessibility.
- Massachusetts negotiated without having to sue the Housing Authority for changes which resulted in accessible housing.

- Delaware's largest city had zoning and licensing ordinances that discriminated against persons with disabilities. Amendments to these were made and zoning corrected.
- Michigan filed a complaint with HUD concerning the selling of a proposed group home to neighbors after community pressure mounted against the group home.

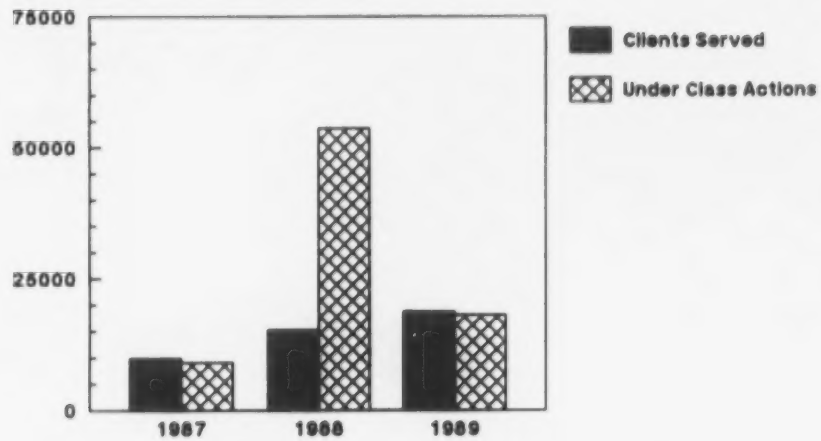
HIV Disease/AIDS

- Louisiana PADD case, Leckelt v. Board of Commissioners challenged plaintiff's termination from a hospital position due to his refusal to submit to AIDS testing. In another case, John Doe v. Conn Appliance, the PADD challenged the termination of employment from an appliance store due to his HIV status. This case is on-going.
- Through training and outreach, Texas P&A is providing training and monitoring of state activities, serving on committees to agencies and state hospitals and intake procedures on HIV in facilities.

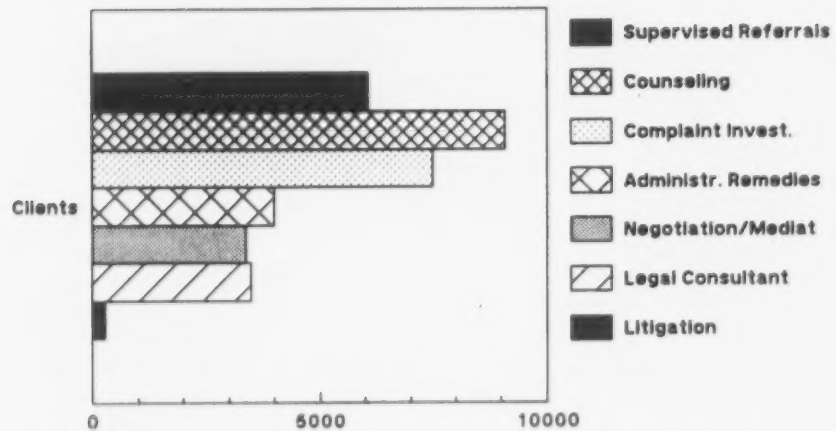
PROTECTION & ADVOCACY SYSTEM FOR MENTALLY ILL INDIVIDUALS (PAMII) REPORT

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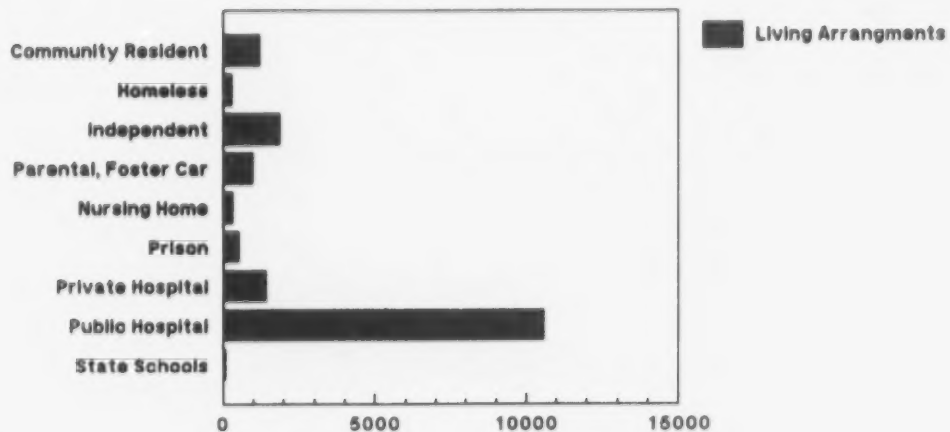
Total Clients - PAMII
1987 - 1989



PAMII - 1989
Intervention Strategies in U.S.



PAMII - 1989
Client Living Arrangement in U.S.



P&A for Mentally Ill Individuals (PAMII) 1989 Program Performance Report

Client Classification

	<u>Total Clients Served</u>	<u>MI Only</u>	<u>MI&OD</u>	<u># Death Reports</u>
Alabama	171	157	14	0
Alaska	200	174	26	0
American Samoa	29	27	2	0
Arizona	103	94	9	1
Arkansas	62	47	15	0
California	1680	1529	151	10
Colorado	131	126	5	6
Connecticut	155	137	18	0
Delaware	99	73	26	0
District of Columbia	234	211	23	3
Florida	83	60	23	4
Georgia	661	632	29	2
Guam	37	0	0	0
Hawaii	207	195	12	2
Idaho	151	150	1	0
Illinois	488	416	56	0
Indiana	235	209	26	0
Iowa	92	92	0	4
Kansas	95	75	20	0
Kentucky	220	166	54	1
Louisiana	164	141	23	3
Maine	106	84	22	8
Maryland	105	83	22	0
Massachusetts	1160	999	42	0
Michigan	1434	1009	41	0
Minnesota	434	286	46	0
Mississippi	53	33	20	0
Missouri	246	181	65	1
Montana	186	160	26	0
Nebraska	153	132	21	0
Nevada	344	307	37	0
New Hampshire	217	198	19	0
New Jersey	996	887	92	26
New Mexico	122	107	15	3
New York	1594	1577	17	2444
North Carolina	723	691	32	2
North Dakota	215	156	59	1
Northern Mariana Islands	19	15	4	1
Ohio	1765	1675	90	1
Oklahoma	493	493	0	2
Oregon	298	252	29	0
Pennsylvania	600	542	58	5
Puerto Rico	8	6	2	0
Rhode Island	50	33	17	0
South Carolina	364	224	140	2
South Dakota	160	142	18	0
Tennessee	68	56	12	4
Texas	226	218	8	4
Utah	240	180	24	0
Vermont	192	168	24	2
Virgin Islands	16	11	5	0
Virginia	210	36	69	1
Washington	89	76	13	2
West Virginia	84	73	11	1
Wisconsin	271	243	28	12
Wyoming	73	72	1	0
Total	<u>18611</u>	<u>16116</u>	<u>1662</u>	<u>2558</u>

P&A for Mentally Ill Individuals (PAMII) 1989 Program Performance Report

Client Ethnic Background

	White Caucasian	Black Negro	Hispanic	Asian/ Pacific Islander	Native American	Other	Not Avail
Alabama	98	63	0	0	0	0	10
Alaska	92	10	2	1	41	6	54
American Samoa	1	0	0	28	0	0	0
Arizona	79	8	9	0	1	0	6
Arkansas	48	14	0	0	0	0	0
California	859	121	111	35	3	12	489
Colorado	68	17	12	0	0	0	34
Connecticut	122	19	11	3	0	0	0
Delaware	75	19	4	0	1	0	0
District of Columbia	57	119	28	8	0	2	20
Florida	62	16	2	1	0	0	2
Georgia	269	168	0	0	0	0	224
Guam	3	0	0	34	0	0	0
Hawaii	114	0	0	52	21	15	5
Idaho	132	0	5	0	2	0	12
Illinois	300	74	11	0	1	102	0
Indiana	193	36	1	0	0	1	4
Iowa	89	3	0	0	0	0	0
Kansas	75	15	2	0	3	0	0
Kentucky	193	22	0	1	1	3	0
Louisiana	113	50	0	0	0	0	1
Maine	0	0	0	0	0	0	0
Maryland	78	15	0	2	0	0	10
Massachusetts	898	77	30	13	3	9	11
Michigan	761	301	11	8	8	28	317
Minnesota	371	24	2	3	12	0	22
Mississippi	42	10	1	0	0	0	0
Missouri	98	32	0	0	0	0	116
Montana	162	1	3	0	18	0	0
Nebraska	69	2	1	0	0	0	81
Nevada	282	39	2	5	4	0	12
New Hampshire	212	0	0	0	0	0	5
New Jersey	515	178	31	2	0	2	268
New Mexico	58	8	51	0	2	0	3
New York	200	73	47	7	2	0	1265
North Carolina	481	226	1	1	4	8	2
North Dakota	137	0	1	1	15	0	8
Northern Mariana Islands	0	0	0	18	0	1	0
Ohio	723	388	3	2	0	1	648
Oklahoma	335	81	23	0	54	0	0
Oregon	242	13	11	8	5	1	18
Pennsylvania	143	15	3	2	0	0	437
Puerto Rico	0	0	8	0	0	0	0
Rhode Island	49	0	0	0	0	1	0
South Carolina	141	1	0	0	0	0	0
South Dakota	128	1	0	0	28	1	2
Tennessee	44	24	0	0	0	0	0
Texas	91	24	10	0	0	1	100
Utah	185	2	11	1	2	1	2
Vermont	175	2	1	0	0	0	14
Virgin Islands	0	16	0	0	0	0	0
Virginia	0	0	0	0	0	0	0
Washington	49	10	2	1	1	1	25
West Virginia	51	5	1	0	0	0	27
Wisconsin	201	30	6	14	6	0	14
Wyoming	65	1	5	0	2	0	0
Total	10028	2373	463	251	240	196	4268

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Client's Living Arrangements

	Comm Resid	Homeless	Indep	Parent Foster Other Home	Nursing Home	Prison Jail	Private Hosp.	Public Hosp./ Treat Cent.	State School	Other	Info. Not Avail.
Alabama	2	0	5	5	0	3	7	147	0	0	2
Alaska	33	3	48	9	0	18	8	78	0	0	3
American Samoa	2	0	0	25	0	2	0	0	0	0	0
Arizona	17	2	19	3	1	15	4	42	0	0	0
Arkansas	6	3	4	9	9	6	4	21	0	0	0
California	130	33	252	160	15	47	218	334	1	76	414
Colorado	9	0	46	27	3	2	6	38	0	0	0
Connecticut	12	1	24	9	1	0	3	105	0	0	0
Delaware	9	0	10	17	2	3	8	49	1	0	0
District of Columbia	48	21	9	20	13	0	18	95	10	0	0
Florida	4	0	15	13	3	0	11	26	1	10	0
Georgia	29	10	43	36	2	9	17	515	0	0	0
Guam	5	10	3	17	0	1	1	0	0	0	0
Hawaii	3	2	11	8	0	2	59	123	0	1	0
Idaho	16	4	22	14	1	8	19	67	0	0	0
Illinois	15	38	116	58	22	0	18	166	0	0	12
Indiana	7	0	7	5	1	0	12	201	1	1	0
Iowa	4	3	16	2	22	2	4	37	0	2	0
Kansas	1	1	1	1	7	2	4	74	0	4	0
Kentucky	10	2	28	27	5	6	27	112	1	2	0
Louisiana	3	1	4	6	1	0	0	148	0	0	1
Maine	2	1	5	15	1	3	14	65	0	0	0
Maryland	5	0	13	2	0	0	68	17	0	0	0
Massachusetts	6	1	12	6	1	118	25	869	0	3	0
Michigan	18	5	159	27	9	20	17	922	0	0	257
Minnesota	102	8	48	23	3	8	70	118	0	32	22
Mississippi	3	1	3	21	2	2	0	21	0	0	0
Missouri	18	1	23	15	4	7	158	0	0	2	17
Montana	11	2	29	12	6	3	8	113	1	3	0
Nebraska	9	2	32	9	2	5	18	72	0	0	4
Nevada	42	15	41	2	8	2	52	187	1	3	0
New Hampshire	19	3	52	23	1	8	14	60	34	0	3
New Jersey	68	11	145	39	18	37	106	564	2	6	0
New Mexico	8	2	13	3	2	30	9	52	0	1	2
New York	59	7	68	17	7	7	46	1361	0	0	22
North Carolina	3	0	35	15	0	0	3	644	1	0	0
North Dakota	9	6	50	1	3	5	8	77	0	1	2
Northern Mariana Islands	0	0	0	12	0	0	1	0	6	0	0
Ohio	9	9	89	20	8	29	170	1424	6	1	0
Oklahoma	218	2	52	32	3	6	0	180	0	0	0
Oregon	5	1	7	10	0	2	6	261	0	1	5
Pennsylvania	26	10	140	60	1	12	41	182	0	12	116
Puerto Rico	0	0	0	3	0	2	3	0	0	0	0
Rhode Island	0	2	14	2	4	1	1	26	0	0	0
South Carolina	52	2	5	37	5	16	12	227	1	7	0
South Dakota	1	0	9	2	1	1	7	139	0	0	0
Tennessee	3	1	1	5	0	4	1	53	0	0	0
Texas	15	0	19	8	0	4	16	155	0	7	2
Utah	11	23	6	8	51	26	5	66	0	8	0
Vermont	42	10	79	12	1	10	4	14	0	1	19
Virgin Islands	0	3	2	10	0	1	0	0	0	0	0
Virginia	24	2	18	10	10	2	14	14	10	0	1
Washington	0	0	0	0	0	0	0	89	0	0	0
West Virginia	0	0	5	6	3	0	7	48	4	1	10
Wisconsin	42	7	9	13	38	9	26	108	7	0	4
Wyoming	1	0	3	4	1	1	1	61	1	0	0
Total	1196	271	1869	955	301	507	1379	10567	89	185	918

P&A for Mentally Ill Individuals (PAMII) 1989 Program Performance Report

Alleged/Reported Abuse

	Exploitation	Excessive Medical	Excessive Physical Restraint	Physical Assault	Sexual Assault	Verbal Abuse	Other Abuse	Unknown	Total
Alabama	7	9	6	7	1	0	1	0	31
Alaska	2	19	9	3	0	1	2	0	36
American Samoa	25	2	0	3	0	2	0	0	32
Arizona	7	9	12	9	5	8	2	0	52
Arkansas	7	9	3	7	2	3	3	0	34
California	13	44	31	15	25	5	14	0	147
Colorado	1	5	9	2	1	1	3	0	22
Connecticut	54	149	104	19	4	44	24	0	398
Delaware	0	4	1	1	0	0	0	0	6
District of Columbia	31	27	15	7	8	20	3	0	111
Florida	12	16	13	3	0	5	0	0	59
Georgia	13	67	66	29	9	19	24	0	227
Guam	3	1	1	5	1	0	0	0	37
Hawaii	6	8	2	13	0	2	6	0	37
Idaho	9	22	8	6	2	1	1	1	49
Illinois	10	44	5	17	12	8	27	0	123
Indiana	6	26	12	15	2	10	0	0	71
Iowa	11	17	9	7	3	3	1	1	51
Kansas	0	14	6	10	0	4	6	0	40
Kentucky	11	27	17	5	3	2	1	9	75
Louisiana	4	24	6	22	4	6	2	0	68
Maine	2	2	5	2	4	0	2	0	17
Maryland	0	2	4	0	0	0	6	0	12
Massachusetts	9	76	64	59	9	19	25	0	261
Michigan	56	116	85	0	0	0	0	0	257
Minnesota	10	18	8	10	6	1	1	0	54
Mississippi	3	4	2	2	2	3	0	0	16
Missouri	4	12	2	7	2	2	0	1	30
Montana	37	12	7	7	3	4	3	0	73
Nebraska	9	21	4	3	3	6	16	0	62
Nevada	9	18	120	20	4	29	8	0	208
New Hampshire	2	26	6	2	1	10	0	0	47
New Jersey	48	89	46	125	29	31	46	0	414
New Mexico	1	24	21	36	6	22	0	0	110
New York	126	65	215	688	215	234	0	0	1543
North Carolina	0	0	0	0	0	0	164	0	212
North Dakota	9	35	19	14	4	24	0	0	105
Northern Mariana Islands	0	1	0	0	0	0	1	0	2
Ohio	0	6	25	36	8	11	7	0	93
Oklahoma	232	139	12	29	16	5	0	0	433
Oregon	1	32	11	23	4	14	21	0	105
Pennsylvania	34	37	9	25	10	11	7	0	133
Puerto Rico	0	0	3	1	1	0	0	0	5
Rhode Island	0	2	6	1	0	2	0	0	11
South Carolina	9	26	12	18	5	10	5	0	85
South Dakota	20	36	18	7	4	15	18	0	118
Tennessee	1	13	4	5	2	4	4	0	33
Texas	11	49	25	14	8	2	19	0	128
Utah	15	41	14	4	0	0	5	0	79
Vermont	10	7	4	10	5	9	3	0	48
Virgin Islands	0	2	1	1	0	0	12	0	16
Virginia	7	12	3	5	1	8	0	0	36
Washington	6	13	14	7	12	2	4	0	58
West Virginia	0	4	2	0	0	0	1	1	7
Wisconsin	19	69	24	5	7	14	10	0	148
Wyoming	1	10	3	5	2	6	0	0	27
Total	923	1562	1133	1376	455	642	508	13	6692

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Alleged/Reported Neglect

	Admis. to Inst. Facility	Community Residential Placement	Med/ Mental Comm. Health Serv.	Release Treat	from Discharge Inst. Planning	Personal Care	Other	Total
Alabama	11	9	6	2	65	12	1	107
Alaska	0	8	2	9	6	2	3	31
American Samoa	0	0	3	23	0	0	10	37
Arizona	1	22	28	33	23	19	7	134
Arkansas	13	16	21	16	8	15	7	96
California	4	43	3	44	5	4	11	64
Colorado	2	1	0	5	2	6	1	17
Connecticut	46	105	52	141	97	65	24	138
Delaware	3	1	0	28	1	1	0	53
District of Columbia	19	22	37	32	17	26	31	190
Florida	1	7	6	17	24	12	3	85
Georgia	41	41	49	144	191	153	36	655
Guam	0	0	0	0	0	0	0	0
Hawaii	94	5	2	12	3	15	4	135
Idaho	18	17	5	35	19	31	3	128
Illinois	25	20	39	11	0	28	8	231
Indiana	22	10	9	48	97	11	11	208
Iowa	2	10	4	16	11	5	2	51
Kansas	5	15	10	37	46	9	0	124
Kentucky	9	36	25	7	84	21	8	197
Louisiana	12	0	1	22	37	56	2	160
Maine	10	3	2	28	11	12	0	59
Maryland	7	14	9	11	21	0	0	82
Massachusetts	105	68	78	121	432	282	18	1104
Michigan	76	39	75	64	154	0	15	680
Minnesota	3	12	13	22	10	11	3	80
Mississippi	3	0	11	1	2	2	1	27
Missouri	12	3	0	1	52	0	0	111
Montana	21	12	25	61	35	55	26	205
Nebraska	3	17	9	20	12	12	0	89
Nevada	40	15	19	42	82	6	11	241
New Hampshire	8	7	13	8	16	12	2	78
New Jersey	54	45	53	173	110	98	33	633
New Mexico	9	33	0	42	7	10	19	162
New York	4	60	68	129	67	47	23	451
North Carolina	39	19	7	206	0	0	0	876
North Dakota	4	36	51	45	64	55	32	296
Northern Mariana Islands	0	0	1	0	0	0	0	1
Ohio	414	0	23	315	177	89	3	1222
Oklahoma	10	1	3	31	30	10	9	94
Oregon	4	8	14	32	26	39	26	151
Pennsylvania	49	28	37	197	29	41	12	395
Puerto Rico	2	1	0	0	0	0	0	3
Rhode Island	6	3	8	3	0	7	4	34
South Carolina	38	108	64	55	41	74	13	401
South Dakota	1	15	12	33	48	44	22	181
Tennessee	2	4	3	23	9	13	4	58
Texas	52	13	18	45	47	43	12	240
Utah	2	7	4	17	41	46	0	140
Vermont	6	2	8	14	1	0	4	72
Virgin Islands	1	3	8	0	3	1	1	16
Virginia	4	7	2	8	2	10	21	53
Washington	2	2	0	18	2	5	6	36
West Virginia	30	7	7	13	1	10	1	93
Wisconsin	11	60	45	53	45	53	13	297
Wyoming	2	5	2	24	24	9	7	73
Total	1362	1045	994	2537	2337	1587	513	11575

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Protection of Rights

	<u>Contrs</u>	<u>Educ</u>	<u>Emplo</u>	<u>Finance</u>	<u>Guardn</u>	<u>Housing</u>	<u>Legal</u>	<u>Privacy</u>	<u>Records</u>	<u>Other</u>	<u>Total</u>
Alabama	1	1	4	9	3	1	9	1	0	8	37
Alaska	1	5	1	5	1	0	4	4	3	6	30
American Samoa	0	2	5	8	0	0	0	0	0	1	16
Arizona	3	0	3	7	0	7	1	3	4	1	29
Arkansas	0	1	3	4	2	5	0	4	0	0	19
California	3	88	27	82	98	44	48	14	46	1469	1469
Colorado	0	6	2	44	0	1	0	0	3	37	93
Connecticut	5	9	77	29	13	65	24	41	22	0	295
Delaware	2	10	2	7	2	2	0	0	2	19	105
District of Columbia	0	10	4	37	4	21	18	23	11	14	142
Florida	0	0	0	10	3	0	9	5	5	10	42
Georgia	4	6	15	45	9	37	27	21	22	47	233
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	1	1	0	4	1	3	10	8	5	2	207
Idaho	4	3	3	24	3	8	7	9	6	20	87
Illinois	0	23	9	44	38	12	0	4	0	132	262
Indiana	1	2	2	19	9	4	18	8	2	9	74
Iowa	0	3	3	23	10	3	4	4	6	6	62
Kansas	2	0	2	2	6	1	4	3	2	27	49
Kentucky	11	24	5	12	10	13	11	14	10	8	118
Louisiana	0	2	1	24	6	1	0	17	0	7	58
Maine	0	9	1	3	0	7	2	1	0	0	23
Maryland	1	6	1	15	3	7	6	2	4	12	57
Massachusetts	23	3	11	71	54	28	126	43	32	99	490
Michigan	0	5	25	116	30	44	0	140	27	367	754
Minnesota	6	1	4	12	7	17	17	6	7	77	223
Mississippi	2	19	1	1	5	5	2	0	0	0	35
Missouri	0	0	3	19	15	10	0	1	6	51	105
Montana	0	2	6	12	8	4	29	1	6	29	97
Nebraska	4	19	3	19	12	7	18	5	7	34	94
Nevada	11	5	7	17	12	6	21	24	45	0	148
New Hampshire	9	36	8	28	13	28	29	7	7	26	191
New Jersey	21	10	9	64	18	27	49	42	21	82	343
New Mexico	1	4	1	2	5	1	8	19	4	7	52
New York	16	17	9	53	64	24	45	30	16	0	273
North Carolina	7	12	28	18	3	14	74	8	57	0	0
North Dakota	15	7	19	39	17	28	41	36	22	0	230
Northern Mariana Islands	1	0	1	1	1	0	0	0	0	0	4
Ohio	13	6	3	53	15	11	0	316	13	64	558
Oklahoma	6	4	4	153	12	28	11	23	3	0	244
Oregon	20	1	0	26	7	10	22	11	8	0	179
Pennsylvania	3	6	36	37	1	16	19	10	13	47	188
Puerto Rico	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	0	1	1	6	1	8	0	1	2	3	26
South Carolina	3	21	2	6	6	6	6	4	1	12	67
South Dakota	5	4	7	32	3	12	17	25	14	75	194
Tennessee	0	1	0	1	1	4	0	1	1	0	9
Texas	0	1	9	4	5	2	31	21	7	16	96
Utah	4	0	1	11	2	3	2	13	1	18	37
Vermont	6	1	7	24	1	20	0	10	18	61	148
Virgin Islands	0	2	4	3	2	3	1	0	1	0	16
Virginia	1	3	8	3	3	2	2	1	9	34	5
Washington	0	0	0	2	0	0	3	9	3	6	23
West Virginia	0	4	0	6	0	0	4	0	1	0	15
Wisconsin	4	15	18	20	11	12	7	25	9	19	140
Wyoming	1	0	0	9	2	2	4	9	8	3	35
Total	<u>221</u>	<u>421</u>	<u>405</u>	<u>1325</u>	<u>557</u>	<u>624</u>	<u>790</u>	<u>1027</u>	<u>522</u>	<u>2965</u>	<u>8526</u>

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Intervention Strategies Used to Resolve Client Problems

	Sup. Ref.	Counsel Prof Assist	Comp. Invest.	Admin. Remedies	Negot. Mediat.	Legal Consult	Litigation	Other	Total
Alabama	22	149	138	0	106	171	5	16	615
Alaska	14	25	9	3	4	5	3	3	66
American Samoa	12	4	8	1	7	2	2	3	37
Arizona	48	80	92	13	35	6	0	0	279
Arkansas	29	38	36	0	31	14	14	0	148
California	92	1288	0	4	51	6	4	46	116
Colorado	19	20	45	23	7	131	1	0	227
Connecticut	226	247	279	17	116	16	1	797	1699
Delaware	0	29	73	2	18	91	4	5	222
District of Columbia	102	195	150	37	83	31	0	5	603
Florida	44	48	54	0	13	18	0	1	178
Georgia	157	391	422	183	340	171	8	0	1672
Guam	0	0	0	0	0	0	0	0	0
Hawaii	75	113	210	25	85	128	4	159	572
Idaho	54	57	26	1	20	2	0	22	182
Illinois	287	138	0	7	54	0	17	5	508
Indiana	142	139	182	6	66	7	0	5	547
Iowa	33	54	92	8	24	18	5	12	246
Kansas	15	87	71	0	49	55	0	0	277
Kentucky	67	76	63	38	104	33	12	4	397
Louisiana	2	22	0	2	109	640	2	0	777
Maine	9	93	12	7	13	2	0	0	136
Maryland	9	30	0	7	15	0	1	6	681
Massachusetts	107	600	210	158	248	446	22	7	1798
Michigan	858	374	106	5	17	342	3	139	1844
Minnesota	234	134	22	6	9	12	11	6	434
Mississippi	8	28	16	0	13	11	2	0	70
Missouri	17	176	17	23	12	2	1	0	246
Montana	29	30	31	16	29	42	3	0	181
Nebraska	14	113	12	2	6	153	0	0	300
Nevada	36	257	93	12	166	3	0	3	560
New Hampshire	10	207	15	22	52	11	20	0	337
New Jersey	164	255	633	138	134	105	21	48	1498
New Mexico	5	22	16	15	16	122	22	5	223
New York	1554	88	2033	1506	41	35	25	0	5282
North Carolina	194	414	205	205	205	4	1	23	1056
North Dakota	57	107	66	26	97	8	9	0	370
Northern Mariana Islands	2	1	1	1	0	0	0	0	5
Ohio	484	787	142	12	114	135	9	105	1788
Oklahoma	6	493	265	166	48	24	5	0	1007
Oregon	79	100	140	37	39	114	8	20	537
Pennsylvania	80	275	39	2	4	4	4	0	408
Puerto Rico	0	8	6	4	2	8	0	3	31
Rhode Island	3	24	0	4	25	5	3	0	64
South Carolina	235	245	400	1128	131	47	0	0	2186
South Dakota	173	248	222	2	137	68	0	11	861
Tennessee	9	41	5	5	4	5	0	0	64
Texas	68	25	225	54	61	53	11	16	513
Utah	10	27	65	22	23	2	1	9	159
Vermont	14	241	143	7	113	16	6	58	598
Virgin Islands	4	2	1	0	1	4	0	4	16
Virginia	17	79	79	3	74	0	1	0	178
Washington	24	64	74	1	14	0	0	0	177
West Virginia	10	3	9	6	12	6	4	0	50
Wisconsin	84	92	143	14	147	133	5	53	671
Wyoming	23	194	93	1	32	28	1	0	372
Total	6070	9077	7489	3987	3376	3495	281	1599	34069

P&A for Mentally Ill Individuals (PAMII) 1989 Program Performance Report

Class Action and Information & Referrals

	Class Actions <u>FY 89</u>	Individuals <u>Served</u>	<u>I&R</u>
Alabama	1	500	131
Alaska	0	0	47
American Samoa	0	0	43
Arizona	0	12000	178
Arkansas	0	0	156
California	0	250000	63
Colorado	3	15	630
Connecticut	0	105	72
Delaware	1	210	90
District of Columbia	3	120	24
Florida	2	9100	327
Georgia	0	0	1509
Guam	0	0	0
Hawaii	26	13855	0
Idaho	0	0	0
Illinois	0	750	2963
Indiana	1	36	264
Iowa	0	644	827
Kansas	0	0	157
Kentucky	0	0	547
Louisiana	0	6739	199
Maine	1	2000	50
Maryland	0	600	20
Massachusetts	0	700	58
Michigan	6	311	150
Minnesota	5	1000	92
Mississippi	0	0	32
Missouri	0	0	43
Montana	0	600	300
Nebraska	0	0	0
Nevada	1	11	945
New Hampshire	0	500	402
New Jersey	20	1361	22
New Mexico	1	1030	810
New York	0	0	0
North Carolina	2	0	0
North Dakota	0	0	411
Northern Mariana Islands	0	0	10
Ohio	2	3445	172
Oklahoma	0	0	0
Oregon	0	0	225
Pennsylvania	3	2840	698
Puerto Rico	0	0	32
Rhode Island	0	0	150
South Carolina	2	100	34
South Dakota	0	0	153
Tennessee	0	0	240
Texas	0	4000	595
Utah	0	0	329
Vermont	1	910	185
Virgin Islands	0	0	4
Virginia	0	0	1130
Washington	0	0	740
West Virginia	3	0	37
Wisconsin	0	100	497
Wyoming	1	240	89
Total	<u>85</u>	<u>313822</u>	<u>16882</u>

Protection & Advocacy System for Mentally Ill Individuals

1989 Narrative Analysis (PAMII)

Training

In 1989, PAMIIs nation-wide report training activities in common areas of rights protection, housing issues, guardianship, monitoring and treatment issues. PAMII staff made presentations to diverse groups that included community mental health center staff, universities and colleges, AMI chapters, state departments of family services and private psychiatric facilities, in addition to other advocacy groups.

For example, Idaho PAMII conducted training activities on nursing home reform as implemented by OBRA '87, and children's SSI listings. Nebraska conducted research on evaluation and quality assurance data as derived from HCFA and JACHA reports, with an aim to training advocates on how to use this information in systemic advocacy efforts. In addition, Nebraska gave direct financial support to seven clubhouse model programs to allow consumers to attend or conduct training events.

Iowa PAMII conducted training on rights issues associated with medical malpractice in state mental facilities. Montana participated in a number of presentations on suicide prevention and rural mental health services.

Outreach

A particular emphasis on outreach to minority clients was mentioned by many PAMIIs. Consistent with the PAMII Amendments Act of 1988, and the completion of a curriculum by the Mental Health Law Project to train PAMII staff on minority issues, PAMIIs reported creating minority advisory committees as part of their governing authorities, and specific programs and advertisements aimed at people of color. Texas Advocacy, Inc., created a minority affairs specialist staff position, with responsibilities that include designing and implementing minority education and outreach strategies for the PAMII program.

Initiatives were undertaken by New Mexico, Arizona, and Utah on developing P&A services for people with disabilities living on Native American Indian reservations. Other states have undertaken activities to reach this underserved population.

Outreach to client populations not served by existing priorities in most states, was a concern mentioned by some PAMII programs. The NAPAS demonstration

grants awarded under Title II of the Rehabilitation Act of 1973, as amended, to provide P&A services for persons with severe disabilities who are not otherwise served, will begin to demonstrate the needs of some of this population in New Mexico, New Hampshire and Rhode Island.

Systemic Advocacy Issues

PAMII programs reported on systemic advocacy issues with the most common including: (1) licensing of board and care homes in order to regulate services provided to persons with mental illness; (2) securing adequate discharge planning in institutions; (3) mental health services for homeless persons; (4) appropriate guidelines on seclusion and restraint, informed consent, medical services; (5) resisting attempts at loosening civil commitment statutes; and (6) lack of community-based mental health services.

Unmet advocacy issues reported by many PAMII programs includes systemic issues with prisons and jails, V.A. hospitals, aging populations and further concerns with nursing homes and board and care homes, as well as group home zoning laws. It is expected that passage of the Fair Housing Amendments Act will remedy the zoning law issues. Several PAMIIs also mentioned systemic problems in accessing or investigating death reports within institutions. Issues of particular concern in 1989 were homelessness and access to mental health services.

New Mexico PAMII conducted its systemic advocacy efforts as directed by the number of client problems in an issue area. The agency was involved in a local zoning protest dealing with the closure of transitional facility and was successful in keeping the facility open. In addition, other major activities centered on treatment, conditions, transfers and use of seclusion in state forensic units.

Florida PAMII continued to conduct quality of life reviews in Florida state mental institutions. Violations of human, civil, and legal rights were also documented. The State's Department of Health and Rehabilitative Services has not challenged any of the findings. The Florida PAMII was also involved with investigations and research into the practices of private psychiatric facilities, especially in relation to children's issues.

Litigation

The following are examples of class action lawsuits filed by selected PAMIIs across the country.

New Jersey PAMII filed a class action suit against an adolescent psychiatric unit in 1987, in Slocum v. Perselay. This case resulted in the closing of two units and the opening of many community programs. When the state failed to comply with

several sections of the settlement in Slocum v. Perselay, the PAMII office filed an Action to Enforce Litigants' Rights in 1989, a procedure analogous to a contempt hearing. Litigation continues in this case.

Florida PAMII filed a class-action lawsuit to correct serious deficiencies at South Florida State Hospital. In Gonzalez v. Martinez, the Center is attempting to force the state to adhere to the standards of minimally adequate treatment as established in Youngberg v. Romeo, and to force the state to develop adequate community placements and support services.

In an important victory for persons with chronic mental illness in Arizona, the state's Supreme Court ruled in Arnold v. Sarn, a case undertaken by Arizona PAMII, that the State and its counties must establish a statewide comprehensive system of mental health services. The case established the right to mental health treatment in the community independent of whether the State decides to institutionalize a person or not.

California PAMII won a major class action suit involving the right to refuse administration of psychotropic drugs in non-emergency situations absent judicial determination of incompetence. The case, St. Mary v. Reiss, was refused by the U.S. Supreme Court, thus upholding the California Supreme Court's ruling. In another case, Lopez v. Heckler, a class action suit is challenging the procedures by which the social security administration reviewed and terminated benefits of persons with disabilities.

Advisory Council Reports

As part of the PAMII Amendments Act of 1988, advisory councils to state PAMII Systems are now required to complete an independent report describing its activities and assessment of the operations of the System.

Based on an analysis of these reports of 1989 activities and membership, PAMII Advisory Councils are comprised broadly of primary and secondary consumers, mental health service providers, lawyers, and other advocates. Roughly half of the membership of these advisory councils are primary consumers, with the second largest membership comprised of parents. Over fifteen percent of the membership includes persons of color.

Almost all states reported that PAMII Advisory Councils helped to jointly develop policies and priorities with staff and the governing authority, and that PAMII Systems were satisfactorily addressing those priority issue areas. In several states, the process for joint activities was still being developed or refined. Comments about addressing issues satisfactorily were made in the context of the resources provided to state PAMII Systems, which many advisory councils commented was inadequate to address urgent mental health service needs or improvements.

Many advisory council members were active in training and speaking activities with PAMII Systems, and many members were involved with other state mental health advocacy efforts. Many state advisory Council members wish to see more opportunities for national networking and conference activities. These kinds of activities were begun at the PAMII Coordinator's meeting, sponsored jointly by NIMH and NAPAS in January, 1990.

Advisory Councils report activities in the following most common issue areas, nation-wide: education about rights and entitlements; seclusion and restraint; discharge planning; monitoring; legislative monitoring and advocacy; community service issues; housing; and benefits. Advisory councils also indicated specific areas of future need include policy development and service issues that include minority concerns, adolescent and children treatment issues, social security benefits, and AIDS.

National Association of Protection & Advocacy Systems

NAPAS is the membership trade organization of state Protection & Advocacy Systems and Client Assistance Programs, and is governed by a seventeen member Board of Directors. NAPAS activities include monitoring Congressional action which may affect the services provided to persons with disabilities; and monitoring the administrative agencies responsible for P&A and CAP programs which include the National Institute of Mental Health (NIMH), Rehabilitation Services Administration (RSA), and the Administration on Developmental Disabilities (ADD).

In addition, NAPAS provides a variety of training and technical assistance activities for its members that include an Annual Meeting in Washington, D.C. In addition to dues paid by member organizations, funding for 1989 training and policy development activities was awarded through competitive grant awards from the following sources:

Administration on Developmental Disabilities
Rehabilitation Services Administration
National Institute of Mental Health
Robert Wood Johnson Foundation
Children's Developmental Evaluation Clinic
Children's Hospital, Boston, MA

In 1989, NAPAS staff researched and produced several reports and papers for its membership on current disability legal and policy issues, some of which are still in press. The following represents work completed in FY 1989.

- * NAPAS "Update" Newsletters
- * P&A Expertise and Attorney Rosters
- * Current P&A AIDS Related Services
- * 1988 Annual Statistical Report

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**GUIDING PRINCIPLES
FOR THE
NATIONAL ASSOCIATION OF
PROTECTION AND ADVOCACY SYSTEMS**

Statement of Purpose

The purpose is to provide guidance to the staff, Board of Directors, committees and member agencies of the National Association of Protection and Advocacy Systems, Inc. (NAPAS) regarding positions on and responses to legislation, regulations, and other policy initiatives that affect direct services and benefits to persons with disabilities, as well as Protection and Advocacy services. A further purpose is to provide guidance on the preferred role of NAPAS member agencies.

*In relation to Services and Benefits for Persons with Disabilities
NAPAS supports the following:*

1. The increased availability of, and accessibility to, generic and specialized services, in which participation by the person with the disability is voluntary.
2. Service provision in the most enabling environment consistent with the principles of Normalization and Least Restrictive Environment.
3. Programs, services and benefits that are made available through entitlements rather than through discretionary judgment or funding.
4. The prohibition of discrimination in specialized and generic services and benefit programs through statutory requirements, regulations and policies.
5. The integration of independently administered rights protection and advocacy services into all service systems designed to benefit persons with disabilities.
6. The involvement of primary consumers in the planning, monitoring and provision of services.
7. The incorporation of meaningful procedural protections that ensure services and the resolution of disputes for clients and applicants of services, in cases when legal rights are accorded.

*In relation to the Provision of Protection and Advocacy Services
NAPAS believes that member agencies should:*

1. Embrace, as the primary role, that of the protection of and advocacy for the human and legal rights of persons with disabilities through utilization of informal, administrative and legal means.
2. Provide services for individuals in a manner that offers information to the person with the disability about available options; allows the person with the disability to determine which option is preferred; and, then promotes that preferred option within the scope of, and compatible with, the person's legal rights.
3. Make the assumption that the person with the disability, when properly advised and assisted, is capable of making decisions. Furthermore, when a decision or meaningful choice cannot be or is not expressed by a client, or when consent is not available from or provided by a client or legally authorized substitute, the role of the advocate is to act with care to safeguard and advance the interests of the person with the disability.
4. Have the authority and capability if mandated by Federal statute(s) to pursue all appropriate interventions necessary in order to protect the rights of eligible individuals. Those interventions may include but are not limited to individual representation, class representation, legislative as well as other systemic advocacy, information and referral, training, and public education. Arbitrary limitations on the use or range of such intervention (e.g. prohibitions on class action litigation) are inappropriate.
5. Have administrative independence, and as much physical distance as possible, from service providers of State agencies responsible for the provision of services to persons with disabilities.

Adopted June 9, 1988
NAPAS Annual Meeting

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